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Pearson, Anthony

T H E

# G R E A T C A S E O F T I T H E S

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And fully Resolv'd.

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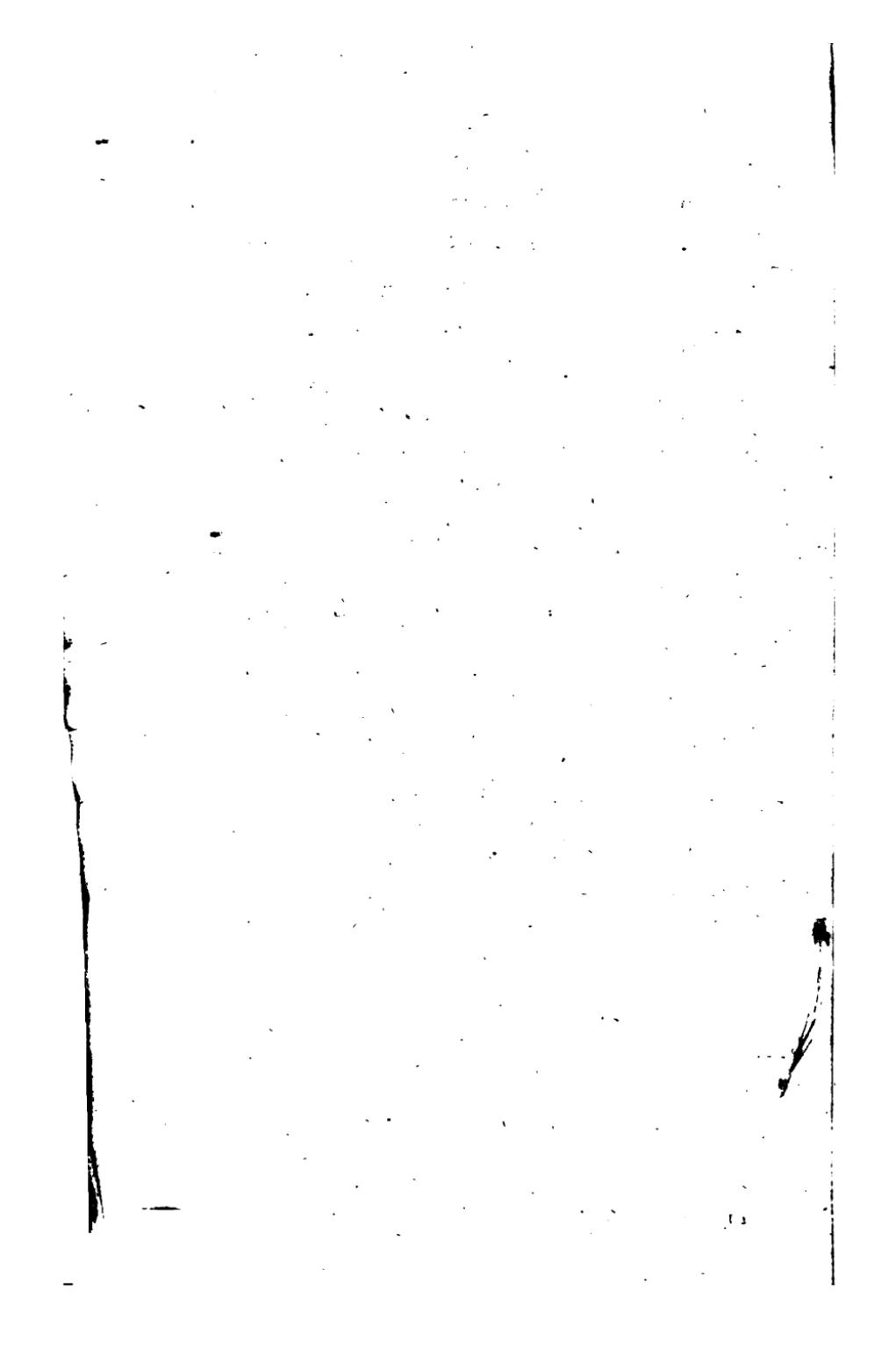
W I T H

A N A P P E N D I X.

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L O N D O N:

Printed and Sold by L U K E H I N D E, at the Bible  
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# PREMONITION TO THE READER.

**T**HE ensuing Treatise was first published about the Year 1657, and so well accepted, that within about two Years Time it passed three Editions.

The Author, a zealous *Protestant* and Lover of Liberty, was excited to write on this Subject, by the numerous Complaints of the People, at that Time labouring under severe Prosecutions for Tithes.

For although the Power and Jurisdiction of the *Ecclesiastical Courts*, to which Prosecutions for Tithes were limited by an Act made in the 32d Year of King *Henry the Eighth*, had been taken away, and the Bishops and their Clergy removed ; yet the succeeding Preachers, equally mindful of their own Interest, soon obtained an Order of Parliament for settling themselves *pro tempore*, dated the 2d of *October* 1644, and an Ordinance for Tithes dated the 8th of *November* following ; under the heavy Burden of which the People in vain continued to express great Uneasiness :

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For, when several Years after, upon *Cromwell's* being made Protector, one of the Articles of Government, by him sworn to and subscribed, did express, that *as soon as may be a Provision less subject to Scruple and Contention, and more certain than the present, be made for the Encouragement and Maintenance of able and painful Teachers*, a Clause was inserted therein, that *until such Provision be made, the present Maintenance [viz. by Tithes] shall not be taken away nor impeached*. By which Clause, the Preachers, secure of the Continuance of the old Pay, sat down at Ease, prosecuting such as refused to pay them Tithes, both in the Courts at *Westminster*, and before the Justices of the Peace in the Country, with such extreme Severity, that our Author has taken a particular Notice of it, and pathetically described some of their unmerciful Exactions, pag. 43.

After he has given an Extract, or short History of Tithes, from the first Appointment of them by the Law of *Moses*, taken chiefly from the History of Tithes by the learned Antiquary *John Selden*, he then considers the several Claims made to them; as first, *By divine Right*; seconly, *By the Gifts of Kings and Princes*; thirdly, *By the Laws of Kings and Parliaments*; fourthly, *By particular Gifts, Appropriations, Consecration, and Donation of the Owners of the Land*; fifthly, *By Prescription and legal Possession*; sixthly, *By Purchase*. To the Arguments for each of

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of which Claims he returns a particular Answer. But,

As the Author has not been so full in his Remarks on *Improper Tithes*, nor so copious in his Answers to the Arguments of those who plead for the *divine Right of Tithes*, as he might have been, for which latter he gives this Reason; *Though divine Right, says he, hath been long pretended, few are now left who will only stand to it, and the Generality, both of Lawyers, Priests and People, are of a contrary Mind.* pag. 31. Wherefore for the Sake of such Readers as may not be thoroughly satisfied in those Points, we have thought proper to annex by way of *Appendix*,

1st. A Discourse of *Improper Tithes*, written by *Thomas Ellwood*.

2d. Reasons given by *Thomas Bennett*, an Inhabitant of the Parish of *Alballowes, Barking, London*, concerning the *unjust Exaction of Tithes*, presented to *Thomas Adams, Lord-Mayor of that City, Anno 1645*.

3d. Some *Arguments against Tithes*, extracted from a *Treatise written by the celebrated John Milton*. And,

4th. In Conclusion, we have added a few Extracts from a Tract, under the Title of *An Answer to the Country-Parson's Plea against the Quakers Tithe-Bill, by a Member of the House of Commons*; wherein a pretended legal Property in Tithes, so much insisted on by some of the Clergy, is set in a strong Light.

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Having laid before the Reader these Hints of the Contents of the Work, and the Appendix thereto, we shall subjoin in brief our Inducement for the Republication of both ; which is for the Information of the present Generation ;—that the Youth of our Society, or others into whose Hands they shall fall, may not be ignorant of the Reasons which at first did, and still do, determine us in an inflexible Testimony against the Payment of Tithes ; and they will find it clearly proved, that no Obligation to a contrary Conduct can arise from any *legal* or *Parliamentary* Sanction.

Yet as from this Plea, some, not of our Profession, who in other Respects make no great Show of Bigotry, are so weak as to urge the Payment of them, and some who are of our Profession, under the same Consideration or Pretence, and from the Influence of Example and Persuasion, may be induced to pay them ;—to each of these it is necessary to say a Word or two ; for, in regard to the latter, we do not observe that our antient Friends, who wrote on this Subject, have said much directly to such an inconsistent Conduct ; not apprehending, as we suppose, the Degeneracy would ever be so great as to require it.

And though a *divine Right* to Tithes is by *Protestants* at this Time generally disclaimed ; yet it still is upon that Supposition the National Law enforces the Payment of them, as the following Sheets abundantly make appear.

pear. We are to consider then, and judge of the Conscience or Inconscience of the Conduct of any Member of our Society in this particular, as we would of the Conduct of any *Protestant Dissenter* on the Principle of *Liberty and Conscience*; who, on Pretence of being determined by an outward Law, acts contrary to his own professed Principles. There is a *Language*, and much stronger, in *Actions* than in *Words*. Every one who pays *Tithes* to a *National Ministry*, by that Act, seems to declare his Belief that they are, by the Constitution of the *Christian Church*, due to that Ministry, antecedent to any National Law, and that it is truly and properly a *Gospel Ministry*, whether of this or any other National Church; because not only the *Law* by which they are recovered, but the *Parson* who claims them, takes all this for granted. For can it be supposed he will plead a Right to *Tithes*, without declaring himself to have this Right as a Minister of Christ? From whence this shameful Absurdity undeniably follows, that every Man, under the Profession of *Quakerism*, who pays *Tithes*, either professes what he does not believe, or believes what he does not practise. For,

The *Basis* of our Religion is the *universal Manifestation* and immediate Teaching of the holy Spirit;—from which arises a Faith, that all acceptable Worship is performed in and under its Influence;—that all *Gospel Ministry* flows from its Emanations;—that this in Ver-  
sels

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selfs prepared and sanctified by the Divine Hand, is the sole essential Qualification to that Work. That as the Gift is divine, the Service is free, and must be faithfully discharg'd without any Object of Reward from Man. That Study, Learning or Art, are no essential Parts of the Character of a Gospel Minister, nor can any Man be initiated into this Office by human Call or Ordination. A fundamental Article which never can be reconciled to the Payment of Tithes, for the Support of a Worship and Ministry standing upon another Foundation ; unless contrary Means, Objects and Ends, can be made to constitute the same Character. And how much soever some Mens Understandings may be darkened with the Notions of *Law* and *Prescription*, in favour of a pretended Property ; as is evident in the Payment of Tithes, yet if we complied with these Laws or Prescriptions, we should virtually acknowledge the Consistency of it with the *Christian* Religion, and that those to whom they are paid are the Ministers of *Christ*, and hereby should intirely give up the Reasonableness of our Plea of separating from that Worship and Ministry.

A Defection in the least Degree, an Innovation in some Modes and Ceremonies, which have little or nothing in them moral or divine, but are indifferent in their Nature and Tendency, may not always be a sufficient Reason for a Separation ; but whenever a Depravity in Fundamentals, in any Society,

is discover'd, such as their Worship and Ministry ; a Separation, an Attempt for a Reformation, becomes an indispensable Duty ; and to concur in the Support of this Worship, and Ministry, after such a Separation, is the greatest of Contradictions.

Nothing can be weaker, nothing more preposterous, than to make the *Law* of the *Land* the Rule of Mens Conduct relating to their Worship and Religion. A Man who thus will reason, and thus would act, has no Religion ; knows not what it is. He must change his Profession of Religion, if the Laws of the Countries where he came required it, as often as he changed his Climate. He would pay his Devotion to the Virgin *Mary* at *Rome*, to *Mabomet* at *Mecca* or *Medina*, to the *Sun* in *Perfia*, and the *Moon* in antient *Arabia*.

The Magistrate is no more warranted by the Precepts of the Gospel, to compel me to pay towards the Support and Maintenance of any Religion and Ministry, than he has to chuse a Religion for me. Every thing within the Verge of Religion, or a Part of *Christian* Faith and Worship, is out of his Jurisdiction, as he can no more than any other Man, answer to God for my doing, or omitting, what in Conscience I believe is my Duty. It is a Contradiction to that invaluable Blessing *Liberty*, in the best Sense of the Word, and to the Idea of a Reformation. Were Men accustomed to reason with the same Clearness and

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and disinterested Impartiality in divine Things as in natural, they could not but see the Truth of our Conclusion in its present Application.

And that we are not singular in this kind of Reasoning, may appear from the Instance of *John Locke*, who in his first Letter concerning Toleration, justly distinguishes between what is a *Part of religious Worship*, believed to be appointed by God, and what is but a *Circumstance belonging thereto*; such as the *Time and Place of Worship*; *Habit and Posture of him that worships*; which, as God has not given any express Command about them, and being in themselves perfectly indifferent, may sometimes be determined by human Prudence, as shall be judged most subservient to the *End of Order and Decency*. But even in this he observes, that those who believe the *First*, or the *Seventh-day* to be set apart by God, and consecrated still to his *Worship*, to them that *Portion of Time* is not a simple *Circumstance*, but a *real Part of divine Worship*, which can neither be changed nor neglected.——

He affirms, and proves, the following Propositions, viz. That the *Magistrate's Power* extends not to the establishing of any *Articles of Faith or Forms of Worship*, by the *Force of his Laws*.——

That the *End of a religious Society* is the *publick Worship of God*, and by *Means thereof* the *Acquisition of eternal Life*. All *Discipline* ought therefore to tend to that *End*, and all *Ecclesiastical*

*Ecclesiastical Laws to be thereunto confined. Nothing ought nor can be transacted in this Society, relating to the Profession of civil and worldly Goods. No Force is here to be made Use of upon any Occasion whatsoever.* —

*That of particular Churches of different Persuasions, no one of them has any manner of Jurisdiction over the other, no not even when the Civil Magistrate comes to be of this or the other Communion. For the Civil Government can give no new Right to the Church, nor the Church to the Civil Government. So that whether the Magistrate join himself to any Church, or separate from it, the Church remains always as it was before, a free and voluntary Society. It neither requires the Power of the Sword by the Magistrates coming to it, nor does it lose the Right of Instruction and Excommunication by his going from it. This is the fundamental and immutable Right of a spontaneous Society, that it has Power to remove any of its Members that transgress the Rules of its Institution : But it cannot, by the Accession of any new Members, acquire any Right of Jurisdiction over those that are not joined with it.*

*That Excommunication neither does, nor can, deprive the excommunicated Person of those civil Goods and Immunities which he formerly possessed.* —

*That no body, in fine, neither single Persons, nor Churches, nay, nor even Common-wealths, have any just Title to invade the civil Rights and worldly Goods of each other, upon Pretence of*

of Religion.—That whence soever the Authority of the Clergy sprung, since it is Ecclesiastical, it ought to be confined within the Bounds of the Church, nor can it in any manner be extended to Civil Affairs ; because the Church itself is a Thing absolutely separate and distinct from the Common-wealth. The Boundaries on both Sides are fixed and immovable. He jumbles Heaven and Earth together, the Things most remote and opposite, who mixes these two Societies, which are in their Original, End, Business, and in every thing, perfectly distinct, and infinitely different from each other.—

That the Magistrate cannot take away these worldly Things from this Man, or Party, and give them to that ; nor change Property amongst Fellow-subjects, (no not even by a Law) for a Cause that has no Relation to the End of Civil Government ; I mean for their Religion.—

This Reasoning, although it was calculated in favour of a general Toleration, yet, when applied to the present Case of Tithes, concludes strongly in our Favour.—

Not to detain the Reader with too long a Preface, nor repeat what is already said, we may just remind him ; that as in the Nature of the Thing, a Precept only, not an Example for the Payment of Tithes, in their present Extent, must be produced in the New-Testament, in order to make the Claim good upon a Christian Bottom : Such a Precept, or the want of one, must determine whether this is, or is not, a Part of the Christian Constitution.

tion. In a Matter of so great Concern, it were highly absurd to suppose, a positive Precept would have been omitted by *Christ*, the Founder of our Religion, and his inspired Followers, if such an Exaction had been design'd. That there is no such positive Precept in the New-Testament, is a Truth in Fact, and therefore a Negation of this Exaction.

In a Word, neither the *Donation* of Tithes, nor a *Plea* for them, for the Service of the Priesthood only, took place, until a Defection, in more Instances than one, from the Purity of the apostolick Age, overspread the *Christian* Church, about the Time of *Constantine* the first *Christian* Emperor;—that fatal Period, when a Door was opened to transform Religion into a political System;—to incorporate *Christianity* with *Judaism* and *Paganism*; but we, in demurring to the Payment of Tithes, recur directly to the Ages of *Christian* Purity, before these Corruptions were introduced.

We say then, whatever some Men may think, or however others may act, if the People call'd *Quakers* should at any Time so far *temporize* with the Laws and Customs of the Times, as to pay Tithes, or any Thing of the Nature of Tithes, they will prefer these Laws and Customs to that which is divine, run retrograde to their own Reformation, and degenerate into that *Darkness*, out of which their

their Predecessors were rescued by the breaking forth of *Gospel Light*.

A practical Conformity to the Doctrines they had embraced, though attended with very great Hardships, is one cogent Argument of this People being actuated, in the Beginning, by a truly reforming Principle; of which the *History of their Sufferings* will be a lasting Monument. On the contrary, a servile Compliance with the Laws and Customs of the Times, a Fear of Suffering; of the Reproach of Obstinate or Singularity, has ever greatly obstructed the Work of Reformation amongst *Dissenters* of most Denominations.

We shall conclude with observing, that, on one hand, a patient Suffering in a good Cause, is highly consistent with *Christian* Fortitude, and cannot pass unrewarded; so on the other, all Severity, all unnecessary Pains and Penalties, inflicted on such a conscientious Conduct, evinces the Remains of that persecuting Spirit, which has made more Havock in the *Christian* Church, than amongst any other People in the known World.

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THE  
Author's Preface

To THE  
Great Case of TITHES.

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*To the COUNTRYMEN, FARMERS,  
and HUSBANDMEN of ENGLAND.*

**I**T is for your Sakes that this small Treatise is sent abroad, that in a matter wherein you are so much concerned, you might be truly informed: And because there are many differing Opinions, and of late Years have been great Disputes, concerning *the Right of Tithes*, which makes the Case seem difficult to be resolved, I have given you the Substance of all that ever I could find written, or hear discoursed, touching that Point; and for more than two Years last past, I have made much Enquiry into it; and if there be any who have something to say for them, which is not herein touched, or in some general

## The AUTHOR's PREFACE.

Had comprehended, it shall be acceptable to me to receive it.

### The Method of the Discourse.

First, I have begun with Tithing among the Jews, which, either in Precept or Example, is the Foundation of all others.

Secondly, I have given you a short View of the Doctrines, Opinions, Decrees, and Practices of the Primitive Church concerning them, and from thence downward until this Day, which is enough to clear the whole Point.

Thirdly, Out of which, having made some short Observations, I state the Case as it concerns us in England.

Fourthly, And then bearing what every one hath to say for them, and giving them particular Answers,

Fifthly, I proceed to satisfy some great Objections, and so conclude the whole, in as much Brevity as the Variety of the Subject would permit.

A. PEARSON.

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# THE GREAT CASE OF TITHES, &c.

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*Of TITHING amongst the JEWS.*

**G**OD having chosen *Aaron* and his Sons for the Office of the Priesthood, and the rest of the Tribe of *Levi* for the Service of the Tabernacle, he gave unto the *Levites* all the Tenth in *Israel* for an Inheritance for their Service, and they were to have no Inheritance among the Children of *Israel*.

And the *Levites*, out of their Tithe, were to offer up an Heave-Offering of it for the Lord, even the tenth Part of the Tithe, and give it unto *Aaron* the Priest for himself and his Sons ; and no other Portion had the Priests out of the Tithes, but they were for the *Levites* that did the common Services of the Tabernacle, for the Strangers, for the Fatherless and the Widows.

Besides the Tenth of the Tithe, the Priests had *Deut. 18.4* the first ripe Fruits of the Ground, of Wheat, of Barley, of Figs, of Grapes, of Olives, of Pomegranates and Dates, at what Quantity the Owner *Ex. 27. 45. 13* pleased ; an Heave-Offering also of Corn, Wine,

## The Great Case of Tithes, &c.

Oyl, Fleece, and the like, was given to the Priests at the sixtieth Part, sometimes at the fiftieth or more, at the Devotion of the Owner.

Of Cattle also the First-born were the Lord's, paid to the Priests, of clean Beasts in Kind, of unclean in Money, with a fifth Part added : *After* divers Parts of the Sacrifices were appointed for the Priests.

But no Tithes did the Priests receive of the People ; for those belonged to the *Levites* that were appointed over the Tabernacle, and the Instruments thereof, to bear it, to take it down, and set it up, to serve *Aaron* and his Sons, and to do the Services of the Tabernacle, and keep the Instruments thereof ; and their Service chiefly was upon removing of the Host ; for better ordering whereof, and every ones Service, they were divided into three Parts, the *Kohathites*, the *Gerphonites*, and the *Merarites*, and these received Tithes of the People, and out of them, a tenth Part they delivered to the Priests.

Afterwards, when *Solomon* had builded a Temple, and placed the Ark therein, other Offices were appointed for the *Levites* ; one Part of them were to be Singers ; another to be Porters, and take the Charge of the Gates of the Temple ; another to be Keepers of the Treasury ; others of them also were placed abroad in the Country, on the West Side of *Jordan* one Thousand seven Hundred, and on the East Side two Thousand seven Hundred.

By this Time also the Posterity of *Aaron* being much encreased, the Priests were divided into twenty four Ranks or Courses, according to the Names of their Families, and every one's Attendance was required by Turns ; and hereupon *Zacharias* is said to be of the Course of *Abia*, and to execute the Priest's Office, and burn Incense as his Turn came,

came, *Luke* i. and the first of the first Rank had the Pre-eminence, and was the High-Priest, and so every one according to their Precedency were preferred.

The *Levites* that were Singers were divided, as the Priests, into twenty four Ranks or Courses; the Porters into five Parts, one Part to every of the four Gates of the Temple, and the fifth to *Asuppim*, i. e. the *Council-House*.

The Treasury was generally committed to one, as the chief, but under him to two Sorts of other Officers; one to keep the Treasures of the House of the Lord, and those Things that were offered to the Lord; and the other to keep the dedicate Things: In these Treasuries were put the second Tithes, the Offerings of all Sorts of People, which were for the Uses and Services of the Temple, for the Fatherless, the Stranger, and the Widow.

After the Captivity, and new Dedication of the Temple, it appears, that in many Particulars, their Laws, Ordinances and Customs, were very much changed, especially in this of Tithing: But not being much pertinent to this Discourse, I shall pass them over; only from these short Hints, let the Reader understand, that though the Priests and *Levites* were both of the Tribe of *Levi*, yet was the Priesthood settled in the Sons of *Aaron*, and the Offices of the Priests were quite different from the *Levites*, and so was their Maintenance distinct, as before is herein plainly shewed.

These Priests and *Levites* being separated for the Work of the Lord, in the Tabernacle and in the Temple they ministered according to the Ordinances of the first Covenant, which were Figures for the Time then present, and Shadows of good Things to come.

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*A View of the Doctrines, Decrees and Practices  
of TITHING, from the Infancy of the  
Christian Church, until this Day.*

BUT in the Fulness of Time, God raised up another Priest, CHRIST JESUS, who was not of the Tribe of *Levi*, nor consecrated after the Order of *Aaron*; for he pertained to another Tribe, of which no Man gave Attendance at the Altar, who (having obtained a more excellent Ministry, of a greater and more perfect Tabernacle, not of the former Building, being the Sum and Substance of all the Patterns of Things under the first Covenant) put an End to the first Priesthood, with all its Shadows, Figures, and carnal Ordinances, and changing the Priesthood, which had a Command to *take Tithes* of their Brethren, there was made of Necessity also a Change of the Law, and a disannulling of the Commandment going before, which was but imposed until the Time of Reformation.

And the Apostles and Ministers of *Christ Jesus*, when he had finished his Office upon Earth, by offering up himself through the Eternal Spirit, a Sacrifice without Spot unto God, did not look back to the Ordinances of the former Priesthood, but testified *an End was put unto them*; and witnessed against the *Temple*, wherein the Priests ministered, for which *Stephen* was stoned to Death; against *Circumcision*, saying, *It was not that of the Flesh*; against the *Passover*, *Priests*, &c. and preached up *Christ Jesus* and his Doctrine, the new and living Way, which was not made manifest while as the first Tabernacle was standing. Nor did they go about to establish the Law by which Tithes were given in the former Priesthood, but freely they preached the *Gospel* which they had received,

received, and did not require any settled Maintenance, but lived of the free Offerings and Contributions of the Saints, who by their Ministry were turned to *Christ Jesus*.

At *Jerusalem* and thereabouts, such was the Unity of Heart among the Saints in the Apostles Time, that all Things were in common, and none wanted ; and as many as were Possessors of Lands or Houses, sold them, and brought the Price, and laid it down at the Apostles Feet, and it was distributed unto every Man according as he had Need. Act 4:34.

So the Church gathered by (a) *Mark* at *Alexandria* in *Egypt*, followed the same Rule as the Saints did at *Jerusalem*, having all Things in common : And *Pbilo Judæus*, a famous Author of that Time, reporteth, that not only there, but in many other Provinces, the *Christians* lived together in Societies.

In the Churches at *Antioch*, the Saints possessed every Man his own Estate ; so likewise in *Galatia* Act 11:29 *1 Cor. 16:2* and *Corinth*, where the Apostle ordained, that Weekly-Offerings for the Saints should be made by every one as God had blessed him ; and by these Offerings (which were put into the Hands of the Deacons of the Churches) were all the Services and Needs of the Church supplied.

(b) By Example of these, the Course of Monthly Offerings succeeded in the next Ages, not exacted, but freely given at the Bounty of every Man, as appears plainly by *Tertullian* in *Apolog.* ch. 39. where, upbraiding the *Gentiles* with the Piety and Devotion of *Christians*, he saith, *Whatsoever we have in the Treasury of our Churches, is not raised by Taxation, as though we put Men to ransom their Religion ; but every Man once a Month, or when it*

(a) *Hieron. in vita Marc.*

(b) *Vide Synod. Gang. Can. 60.*

pleaseth himself, bestoweth what he thinks good, and not without he listeth ; for no Man is compelled, but left free to his own Discretion : And that which is given, is not bestowed in Vanity, but in relieving the Poor, and upon Children destitute of Parents, and Maintenance of aged and feeble Persons, Men wrecked by Sea, and such as are condemned to the Metal Mines, banished into Islands, or cast into Prison, professing the true God, and the Christian Faith.

And this Way of Contribution continued in the Church till the great Persecution under Maximian and Dioclesian, about the Year 304, as (c) Eusebius testifieth, which also appears by the Writings of Tertullian, Origen, Cyprian, and others.

About this Time also, some Lands began to be given to the Church, and the Revenue of them was brought into the Treasury of the Church, and belonged to the Church in common, and was distributed, as other Offerings, by the Deacons and Elders ; but the Bishops or Ministers meddled not therewith ; for (d) Origen saith, *It is not lawful for any Minister of the Church to possess Lands (given to the Church) to his own Use* : And called to the Ministers, *Let us depart from the Priests of PHARAOH, who enjoy earthly Possessions, to the Priests of the LORD, who have no Portion in the Earth*. And in another Place he saith, *It behoveth us to be faithful in disposing the Rents of the CHURCH, that we ourselves devour not those Things which belong to the Widows and the Poor ; and let us be content with simple Diet, and necessary Apparel*. And (e) Urban, Bishop of Rome, Anno 227, did declare, *That the CHURCH might receive Lands and Possessions offered*

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(c) Euseb. lib. 4. ch. 22.

(d) 16 Homily upon Genesis, fol. 26. ch. 3.

(e) Urban 1. in Epist. c. 12. q. 1. c. 161.

## The Great Case of Tithes, &c.

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offered by the Faithful, but not to any particular Man's Benefit, but that the Revenues thereof should be distributed as other Offerings, as Need required.

(f) Cyprian, Bishop of Carthage, about the Year 250, also testifieth the same, and sheweth, that the Church maintained many Poor, and that her own Diet was sparing and plain, and all her Expences full of Frugality.

(g) Prosper also saith, that a Minister able to live of himself, ought not to participate of the Goods of the Church; for saith he, They that have of their own, and yet desire to have somewhat given them, do not receive it without great Sin.

(b) The Council at Antioch, Anno 340, (finding that much Fault had been among the Deacons, to whom it properly belonged) did ordain, that the Bishops might distribute the Goods of the Church, but required, that they took not any Part to themselves, or to the Use of the Priests and Brethren that lived with them, unless that Necessity did justly require it, using the Words of the Apostle, Having Food and Raiment, be therewith content.

In these Times, in many Places, the Christian Converts joined themselves in Societies, and chose a separate Life, selling what they had, and living together in common, after the Example of the former Saints about Jerusalem, as (i) Chrysostom notes, who lived about the Year 400, by whose Writings it also appears, that there was not the least Use or Practice of the Payment of Tithes in those former Ages.

The Church now living altogether by free Offerings of Lands, Money and Goods, the People were

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(f) Cyprian Epist. 27, 34, 36.

(g) Lib. 2. n. de vita contemplativa.

(h) Con. Ant. cap. 25.

(i) Hom. 11. in Asia Tom. 6. Edit. Saviliiana, pag. 897.

were much pressed to bountiful Contributions for *holy Uses*, as may be seen by the Writings of (k) *Hierom* and *Chrysostom*, who brought the *Jewis* Liberality in their Payments of Tents, for an Example, beneath which they would not have *Christians* determine their Charity; where *Chrysostom* says, *he speaks these Things not as commanding or forbidding that they should give more, yet as thinking it fit, that they should not give less than the tenth Part.* (l) *Hierom* also doth earnestly admonish them to give bountifully to the Poor, and double Honour to him that labours in the Lord's Work; not binding at all to offer this or that Part, leaving them to their own Liberty, but pressing *they might not be more short than the Jews were.*

(m) *Ambrose*, who was Bishop of *Milan*, about the Year 400, preached up Tents to be offered up for *holy Uses*, (as the Phrase then was) as may be seen in his Sermon of Repentance; but his Authority he produceth wholly from *Moses*'s Writings, and quotes divers Sentences, and threatens the People, that if they would not pay their *Tents*, God would reduce them to a *Tent*.

In like manner (n) *Augustin*, Bishop of *Hippo*, hath

(k) *Homil. 43. ad Epist. 1. ad Corinth. in cap. 16.*

(l) *Ad cap. 3. Malachi.*

(m) *Tom. 5. Serm. fer. 2. post dom. 1. quadragesima, & vide Serm. in Ascens. Domini.*

(n) *In Serm. de temp. in Tom. 10. Hæc est (saith he) Domini justissima consuetudo, ut si tu illi decimam non dederis, tu ad decimam revoceris.*

*And afterwards with much Earnestness, Decimæ ex debito requiruntur, & qui eas dare noluerit, res alienas invasit; & quanti pauperes in locis ubi ipse habitat, illo decimas nondante, fame mortui fuerint, tantorum homicidiorum reus ante Tribunal æterni judicis apparebit, quia à Domino pauperibus delegatum suis usibus reservavit. Qui ergo sibi aut præmium comparare, aut Peccatorum deñderat indulgentiam promereri, reddat decimam.*

bath an whole Homily for the Right of Tithes, who calls upon those that have no Fruits of the Earth, to pay the Tenth of whatsoever they live by ; and saith, *the Neglect of Payment of Tithes is the Cause of Sterility and Blasting* ; and agrees with Ambrose in his Threats, that *God would reduce them to a Tenth* ; and tells them, *that not paying their Tithes, they shall be found guilty at God's Tribunal, of the Death of all the Poor that perish through Want, in the Places where they dwell* ; and bids them *that would either get Reward, or desire the Pardon of their Sins, to pay their Tithes*. These two great Bishops agree, and from the Law given to the *Israelites* take their whole Doctrine, and impose their own Opinion with so heavy Penalties : But yet take Notice to what End they required them, That the *Poor* might not want, and say, that God hath reserved them for their Use.

*Leo* (called the Great) who was *Pope* from 440 to 460, was likewise very earnest and large in stirring up every Man's Devotion to offer to the Church part of his received Fruits, but speaks not a Word of any certain Quantity, as may appear by his Sermons *De jejunio decimi mensis & Eleemosynis*.

*Severin* also, about the Year 470, stirred up the *Christians* in *Panonia*, who in Example of his Bounty, gave the Tenth of their Fruits to the *Poor*.

(o) *Gregory* not only admonisheth the Payment of Tithes from *Moses's Law*, but also the observing the Time of *Lent*, consisting of six Weeks, out of which take the *Sundays*, and there remain

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(o) Hom. 16. in Evang. & dist. 5. de consecrat. c. 16. Ut in Legi jubemus Domino decimam rerum dare.

remain thirty six Days, the tenth Part of the Year, Fractions of Days omitted ; this Tenth of Time he would have given to God, saying, *We are commanded in the Law to give the Tenth of all Things unto God.*

And from the Opinions of these, and other ancient Fathers, who took their Ground from the Law, *Tithes, Easter, Pentecost*, and other Things, came to be introduced and brought into the Church.

(p) But notwithstanding the Doctrine, and hard Threats of some of the great Bishops of that Time, it was not a generally received Doctrine, that *Tithes ought to be paid*, nor till about the Year 800, was any Thing by the then Church determined or ordained, touching the Quantity that should be given, though (no doubt) in many Places, amongst the Offerings of the devoutest Sort, Tenth, or greater Parts of their Annual Increase were given, according to the Doctrine of *Ambrose* and others.

(q) The Offerings of the Church in those Ages, were received and disposed of in Maintenance of the Priests, and Relief of those that were distressed ; neither had the Priests such a particular Interest in the Profits received, as of late Time they have usurped ; all that was received, wheresoever in the Bishoprick, was a common Treasury, and was dispensed, one fourth Part to the Priests, out of which every one had his Portion ; another fourth Part to the Relief of the *Poor, Sick, and Strangers* ; a third to the building and repairing of *Places for publick*

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(p) As is testified by *Agobard*, Bishop of *Lyons*, an highly esteemed Man, in his Treatise *De Dispensatione, &c. contra Sacilegos*, page 276.

(q) Be not offended at the Word *Priest*, no other can be given to this Age ; for the Title, as then 'twas given to them, so it was owned by them.

publick Meetings, called Churches ; and the fourth to the Bishop. And generally then, the Bishop lived in some Monastery, and his Clergy with him, from whence he sent them out to preach within the Countries in his Diocess, and there they received such Offerings as were made, and brought them to the Treasury.

And though divers of the Fathers, Popes and Bishops, did declare *that Tithes were due, and ought to be paid* ; none of the first eight general Councils of the (r) Church, did ever so much as mention the Name of Tithes, or declare them a Duty. The ninth, held at *Lateran* under Pope *Calixtus* the second, about the Year 1119, mentions Tithes, but speaks only of those which had been given to the Church by special Consecration ; so doth also the Council held under Pope *Alexander* the third, *Anno 1180*, but that only inhibits Appropriations to Religious Houses, without Assent of a Bishop ; for at that Time, People being led to believe that their Tithes ought to be given for the Use of the *Poor*, did chiefly dispose them to the Heads and Governours of Religious Houses, who kept open Hospitality for the *Poor*, and Entertainment of *Strangers*, and were esteemed holy, as good Treasurers for the Needy, who took Care of Distribution of them, as is testified by *Cassian* the Hermit. But that Council seeing much given to the *Poor*, little to the *Priests*, made that Decree to restrain the Peoples Freedom ; and indeed, by this Time, much Wickednes was crept into these Houses, as Histories relate.

Nor was any Law, Canon, or Constitution of any general Council as yet found, that purposely commanded

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(r) I call it Church, because it was then so esteemed ; I must use such Words as may give the Reader a Knowledge of what I say.

commanded the Payment of Tithes, nor any that expressly supposed them a Duty of common Right, before the Council of *Lateran*, held in the Year 1215, under Pope *Innocent* the third; about which Time, the Pope's Authority was grown powerful, and the Canons more received into Practice, than before were little, especially herein, obeyed.

(s) About the Years 800, 900, 1000, and after, Tithes were called the *Lord's Goods*, the *Patrimony of the Poor*, &c. Whence also the Council at *Nants* (t) declared, the *Clergy were not to use them as their own, but as commended to their Trust*; and they were not then given for the Clergy, but to be disposed of for the Uses of the Poor.

And at this Time, no Regard was had to the Nature of the Increase; but whatsoever did arise in Profit, whether by Trade, Merchandize, or Husbandry, the Tenth was required to be paid for Tithes.

But still, the People had more mind to give them for the *Poor* than the *Priests*, as may be understood by the Complaint of (u) Pope *Innocent* the third, who cried out against those that gave their Tithes and first Fruits to the Poor, and not to the Priests, as heinous Offenders; his own Words take in the Margin.

Also, in a General Council held at *Lyons*, under Pope *Gregory* the tenth, in the Year 1274, it was

(s) *Res dominicæ, dominica substantia, Dei censu, Patrimonia pauperum, tributa egenitum animarum, stipendia pauperum hospitum Peregrinorum.*

(t) *Non quasi suis, sed quasi commendatis, non ab hominibus, sed ab ipso Deo sunt instituta.*

(u) *He preaching on Zacheus's Charity, says, Dedit proprium, & reddidit alienum. Graviter ergo peccant qui decimas & primicias non reddunt Sacerdotibus, sed eas pro voluntate distributunt indigentibus.*

was constituted, (x) that it should not thenceforth be lawful for Men to give their Tithes of their own Pleasure, where they would, as it had been before, but pay all their Tithes to the *Mother-Church*. By these it may be seen, that though the People, who then generally were *Papists*, did believe they ought to pay them, yet were they free to dispense them where they pleased, till these *Papist* Councils restrained their Liberty.

But the great Decree which speaks most plain, and till which nothing was given forth which did directly constitute them, but rather still supposed them as due by some former Right, was made at the (y) Council of *Trent*, under Pope *Pius* the fourth, about the Year 1560. And yet that great Council followed the Doctrine of their Father, and said, they *were due to God*, and had no new Authority for their great Decree, which they command to be obeyed under the Penalty of Excommunication.

Having thus briefly run over the Ecclesiastical State abroad, from the Infant-purity of the Church, to the Height of the *Papal* Domination, and given a small Glimpse through every Age to the Point in Hand;

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(x) *Ut nulli hominum deinceps liceat decimas suas ad libitum ut antea ubi vellet assiguar, sed Matrici Ecclesiae omnes decimas persolverent.*

(y) *Non sunt ferendi qui varlis artibus decimas Ecclesiis obvenientes substrahere moluntur, aut qui ab aliis solvendas temere occupant, & in rem suam vertunt, cum decimarum solutio debita sit Deo, & qui eas dare noluerint, aut dantes impediunt, res alienas invadunt: Præcipit igitur sancta Synodus, omnibus cuiuscunque gradus & conditionis, sint, ad quos decimarum solutio spectat, ut eas (ad quas de jure tenentur) in posteram Cathedrali aut quibuscumque aliis Ecclesiis vel personis, quibus legitime debentur, integre per solvant: Qui vero eas aut substrahunt, aut impediunt, Excommunicantur: Nec ab hoc crimine, nisi plena restitutio securè absolvantur.*

## The Great Case of Tithes, &c.

Hand; I shall now more particularly return to what may concern this Nation.

I shall not trouble the Reader with a Relation of *Joseph of Arimathea*, and his eleven Disciples coming into *Britain*, sent by *Philip* the Apostle, in the Reign of *Arviragus*, as Histories report; nor of the Conversion of King *Lucius* afterwards, who is said to give great Endowments to the Church, nor of the *British Christians*: Nothing at all appearing of the Payment of Tithes in their Days: But passing by them, and those many Years, wherein the barbarous *Saxons* over-ran this Nation, exercising most cruel Persecutions, till the very Name of *Christian* was blotted out, and those *Heathens* seated in the quiet Possession of a sevenfold Kingdom in this Land.

About the Year 600, or soon after, *Gregory the first*, then Pope of *Rome*, sent over *Augustin* the Monk into *England*, by whom *Ethelbert* King of *Kent* was converted; and by him and his Followers, in process of Time, other Parts of the Nation, and others of the Kings, were also brought to their Faith. This *Augustin* was a *Canon Regular*, and both he and his Clergy, for long Time after, followed the Example of former Ages, living in common upon the Offerings of their Converts; and those that received them were joined in Societies, in Imitation of the primitive Practice, having such Direction sent him by Pope *Gregory*, that in the Tenderness of the *Saxon* Church, he and his Clergy should still imitate the Community of all Things used in the primitive Times under the Apostles, that they might not make their Religion burthensome.

But afterwards, having brought a great Part of the Nation to their Faith, they began to preach up the old *Roman* Doctrine, that *Tithes ought to be paid*; and having taught the People, that the *Pardon*

Pardon of Sin might be merited by good Works, and the Torments of Hell be avoided by their charitable Deeds, it was no hard Matter, when that was believed, to perswade them not only to give their Tithes, but also their Lands ; as the outward Riches of those called religious Houses then, here and elsewhere, may testify ; for in this Nation, they and the Clergy had almost gotten the third Part of the whole Land ; and so besotted were the poor ignorant People, that, had not a Law against *Mortmain* prevented it, a far greater Part of the Nation had been in their Hands.

As concerning Laws and Canons for Tithes among the *Saxons*, it is reported, that in the Year 786 two Legates were sent from Pope *Hadrian* the first, to *Offa* King of *Mercland*, and *Ælfwulf* King of *Northumberland*, who made a Decree, that the People of those two Kingdoms should pay Tithes.

Also that *Æthelred*, King of the *West-Saxons*, in the Year 855 made a Law, that the Tithe of all his own Lands, should be given to God and his Servants, and should be enjoyed free from all Taxes. Great Difference is among Historians about this Grant, few agreeing in the Words or Substance of it, as *Selden* shews, some restraining it to the Tithe of his own Demeine Lands ; others to the tenth Part of his Lands ; others to the Tithe of the whole Nation. At that Time, the Nation being under great and heavy Pressures by *Danish* Irruptions, intestine Wars, great Spoils and Miseries, he called a Council, where were present *Berwulf* King of (x) *Mercia*, and *Edmond* King of *East-Angles*, and they, to remove the heavy Judgments then over them, grant the Tithe of all their Land to God and his Servants.

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King

(x) *Pro mens remedio anima & Regni & populi. For the Care of my own Soul, and of my Kingdom and People.*

King *Alfred*, about the Year 930, King *Edmond*, about the Year 940, King *Edgar*, about the Year 970, King *Ethelred*, about the Year 1010, King *Knute*, about the Year 1020, *Edward the Confessor*, and others of the Saxon Kings, made several Laws for Tithes, as Histories report.

The *Normans* afterwards entring this Kingdom, and subduing it to themselves, *William* the Conqueror confirmed the Liberties of the Church; so did *Hen.* the first, *Hen.* 2. King *Stephen*, and it may be, others of the succeeding Kings did the like.

Some Episcopal Constitutions also have been made to the same Effect by *Robert Winchelsey* Archbishop of *Canterbury*, and others.

That the Reader may understand the Principles upon which these Men acted, and the Doctrine then preached amongst them, and received and believed, I have inserted in the Margin the (a) Preamble of a Grant of King *Stephen*.

But

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(a) Quoniam Divinà Misericordia providente cognovimus esse dispositum, & longe lateq; prædicante Ecclesiâ, ionat omniam auribus divulgatum: Quod, Eleemosynarum largitione possunt absolvî vincula peccatorum, & acquiri cœlestium præmia gaudiorum: Ego *Stephanus* Dei gratiâ *Anglorum* Rex, partem habere volens cum illis qui stelici commercio Cœlestia pro terrenis comenstant, Dei amore compunctus, & pro salute animæ meæ, & Patris mei Matriq; meæ, & omnium Parentum meorum, & antecessorum, &c.

The Preamble of King *Stephen's* Grant.

Because through the Providence of divine Mercy, we know it to be so ordered, and by the Churches publishing it far and near, every Body has heard, that by the Distribution of Alms, Persons may be absolv'd from the Bonds of Sin, and acquire the Rewards of Heavenly Joys. I *Stephen*, by the Grace of God, King of England, being willing to have a Part with them, who by an happy kind of Trading, exchange Heavenly Things for Earthly; and smitten with the Love of God, and for the Salvation of my own Soul, and the Souls of my Father and Mother, and all my Forefathers and Ancestors, &c. And so he goes on and confirms divers Things that divers had granted to the Church, as Tithes and other Things.

But notwithstanding the many Laws, Canons and Decrees, of Kings, Popes, Councils and Bishops, that every Man ought to pay the tenth Part of his Increase, yet was it left to the Owner, to confer it where he pleased, which made so many rich Abbeys and Monasteries ; and till the Year 1200 or thereabouts, every one gave their Tithes at their own Pleasure, which made Pope *Innocent (b)* the third, send his Decretal Epistle to the Bishop of *Canterbury*, commanding him to enjoin every Man, to pay his temporal Goods to those that ministered spiritual Things to them, which was enforced

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by

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(b) *Pervenit ad audientiam nostram, quod multi in Diocesi tua, decimas suas integras vel duas partes ipsarum non illis Ecclesiis in quarum parochiis habitant, vel ubi praedla habeant, & a quibus Ecclesiastica præcipiunt Sacra menta, persolvunt, sed eas aliis pro sua distribuunt voluntate : Cum igitur inconveniens esse videatur & a ratione disimile, ut Ecclesiæ quæ spiritualia seminant, metere non debeant a suis parochianis temporalia & habere, fraternitati tuae Authoritate præsentium indulgemus, ut liceat tibi super hoc, non obstante contradictione vel appellatione cuiuslibet, seu con fuetudine haec tenus observata, quod Canonicum fuerit ordinare & facere, & quod Statueris per censuram Ecclesiasticam firmiter obligare. Nulli ergo, &c. Confirmationis, &c. Datum Lateran, 2. Nonas Julii.*

The Pope's Decretal Epistle to the Archbishop of *Canterbury*.

*We having heard, that many in thy Diocese pay the whole Tithes, or two Parts of them, not to the Churches in the Parishes they belong to, or where they have Farms, and from which they receive the Church Sacraments, but they dist. ibute them to others according to their own Will. As therefore it seems inconveniens and contrary to Reason, that the Churches which sow spiritual Things, should not reap and receive temporal Things from their own Parishioners ; We by the Authority of these Presents, grant to thy Brotherhood, that it may be lawful for thee, upon this, notwithstanding any Opposition or Appeal whatever, or Custom hitherto obser'd, to ordain and do whatsoever is Canonical ; and what thou shalt ordain, to bind by Ecclesiastical Censure, Let none therefore, &c. In Confirmation wherof, &c. Given at Lateran the 2d Day of July.*

by Ecclesiastical Censures ; and this was the first Beginning of general Parochial Payment of Tithes in *England* : I have inserted the Pope's own Words in the Margin, as they are recorded by *Cook*, in the second Part of his *Institutes*, who saith, That because the Pope's Decree seemed reasonable, it was admitted and enjoined by the Law of the Nation, King and People being theri *Papists*.

This Decree of the Pope, receiving all possible Assistance from the Bishops and the Priests, in whose Behalf it was made, did not only in a short Time take away the Peoples then claimed Right to give their Tithes to those that best deserved them, but did also to much corrupt the Clergy, that in the Time of *Richard* the second, *Wickliffe*, our famous Reformer, did make an heavy Complaint to the Parliament, which in his own Words I have inserted for the Reader's better Satisfaction. *Ab Lord God ! where this be Reason to constrain the poor People to find a worldly Priest, sometimes unable both of Life and Cunning, in Pomp and Pride, covetise and envy, Gluttoness, Drunkenness, and Lechery, in Simony and Heresie, with fat Horse and jolly, and gay Saddles and Bridles ringing by the Way, and himself in costly Clothes and pelure, and to suffer their Wives and Children, and their poor Neighbours perish for Hunger, Thirst, and Cold, and other Mischiefs of the World : Ab Lord Jesu Christ, sitb within few Years Men paid their Tithes and Offerings at their own Will, free to good Men, and able to great Worship of God, to profit and Fairnes of holy Church fighting in Earth, why it were lawful and needful that a worldly Priest should destroy this holy and approved Custom, constraining Men to leave this Freedom, turning Tithes and Offerings unto wicked Uses.*

That the Meaning of these, and the Practice of this Nation in this Matter may the better be understood, it is needful to inform the Reader, that when

when the Pope's Doctrine was receiv'd in a Nation, that Nation was divided into so many Bishopricks as were needful, and every Bishoprick into so many Parishes as were thought convenient, and Parishes are but of late Erection, and till then, most *Preachers* were sent out of the Monasteries, and religious (so called) Houses, and the People did at their own free Will give their Tithes and Offerings where they pleased, which Liberty they enjoyed till about the Year 1200. And though it was generally believed that Tithes ought to be paid, yet did no Man claim any Property therein, but every Owner of the nine Parts, was required to give the tenth Part to the Priest or Poor, as due unto God.

But now the Pope having set up Parishes, did enjoin, that a secular Priest canonically instituted, should attend the Service of each Parish ; and that where Tithes were not already settled, they should be paid to the Parish Priest, notwithstanding any Custom to the contrary ; the People, then generally being *Papists*, did yield Obedience, as they durst not do otherwise ; and it may easily be supposed, that having perswaded the People to pay Tithes, it was no hard Matter to appoint the Persons to whom they should be given.

Parishes being set up, Priests appointed, and Tithes paid to them, after forty Years Possession, what before was owned as a Gift, was now claimed as a Debt ; and *Prescription* was pleaded by the Priests as their just Title ; the People then seeing themselves in a Snare, began to contend, but the imperious Pope (now in a great Height of Pride and Insolence, to uphold his Creature Clergy) thundered out his Interdict against this Nation, excommunicated the King, trighted the Subjects with his Bulls stuft with Comination, and that against the very Point of arbitrary Disposal of Tithes : And *Rome* now grown formidable, did

highly insult over Kings and Princes ; witness *Frederick Barbarossa*, *Hen. the 6th*, and other Princes of the Empire ; and the Stories of our *Hen. 2.* and *King John*, are obvious : And our *Richard* the first, to gratify the Clergy for their exceeding Liberality, in contributing to his Ransom from Captivity, with great Favour, gave them an indulgent Charter of their Liberties, and in this Advantage of Time, the Canon Laws gained such Force, that parochial Payments came generally to be settled.

Yet notwithstanding, our *English* Parliaments not willing wholly to forget the Poor, for whose Sake Tithes were chiefly given, did make divers Laws, that a convenient Portion of the Tithes should be set apart for the Maintenance of the Poor of the Parish for ever, *R. 2. 15. 6. 4. Hen. 4.* as the Statutes at large do witness.

The Pope having by these Means brought in Tithes, and made a pretended Title by Prescription, set up Courts to recover them, which were called Ecclesiastical Courts, where his own Creatures were Judges, and here the poor People might easily understand what they might expect from them ; yet he that did not pay, no great Punishment could they inflict on him, but Excommunication out of their Church.

The Pope by all Means willing to favour his chiefest Props, notwithstanding his general Decree, could tell how to dispense with his own Lands at his Pleasure, and therefore frequently did grant Exemptions to divers Orders, to free them from Payment of Tithes ; witness the *Hospitallers*, *Cistercians*, *Templars*, and generally to all Lands held in the Occupation of the called religious Persons and Houses, which is the Ground of all those Mens Claims, who have bought the Lands of dissolved Monasteries, &c. and say they are Tithe-free.

When the Pope, by colour of the *Jewish* Laws, (by which Tithes were given to the *Levitical* Priesthood) had gained an universal Payment of Tithes to all his Clergy, in farther Imitation of that Earthly Tabernacle, he sets up a new Building after the former Pattern, and therefore to himself he claims First-fruits and Tents, as a Successor of the *Jewish* High-Priest ; Sins also he undertook to pardon ; Cardinals also he appoints as Leaders of their Families ; Miters they wear on their Heads, as *Aaron* did ; Synagogus they build, with Singers, Porters, &c. and into the Form of the *Levitical* Priesthood they transform themselves, thereby wholly denying *Christ Jesus*, the End of Types and Figures, to be come in the Flesh.

Afterwards, Hen. 8. King of *England*, being a *Papist*, and believing the Pope's Doctrine, as also did his Parliament, that Tithes were due to God and holy Church, made a Law that every one should set out and pay his Tithes.

And seeing this is the great Law, and the first of our Parliament Laws for Tithes, and that upon which the rest are grounded, I shall here insert the Preamble of it.

*Forasmuch as divers Numbers of evil-disposed Persons, having no Respect to their Duties, to Almighty God, but against Right and good Conscience, have attempted to substract and with-hold in some Places the whole, and in some Places great Part of their Tithes and Oblations, as well personal as predial, due unto God and holy Church, &c.*

A second Law in his Time was also made to the like Purpose, and in Pursuance of the former ; and great Reason he had, and Need there was for them ; for having dissolved many Monasteries which had many Tithes and Rectories appropriated to them, and either had them in his own Hands,

er sold them to others, to be held as Lay-possessions, and they having no Law whereby to recover them, the Pope's Laws not reaching the Lay-persons (so called) he was necessitated to make new Laws to enforce the Payment of them, which the better to colour over the Matter, he makes in general Terms, but still restrains the Trial of Tithes to the Ecclesiastical Courts.

After him, *Edw.* the 6th, in pursuance of his Father's Laws, and upon the same Ground, makes another Law for the Payment of (c) predial and personal Tithes, under Penalty of treble Damages, who also restrains the Trial to the Ecclesiastical Courts. These Laws suppose that Tithes were due to God and Holy Church, and therefore they require, that every Man do yield and set out his Tithes as had been accustomed.

In pursuance of these Laws, some Ordinances were made in the Time of the long Parliament, in the Exigences of the War, because the Courts of Justice were obstructed. — *And these are the Substance of all our English-Laws concerning TITHES.*

Having thus generally and briefly run over the Laws and Practices of Tithing, both Abroad and in this Nation, I shall give some Hints of the Opinions of former Times concerning Tithes. About the Year 1000 and 1200 after *Christ*, when Tithes were generally preached up and claimed, great Controversy did arise between the Canonists and the Clergy, by what immediate Law Tithes were payable?

The Canonists generally ground themselves upon the Decrees and Canons of the Church (so called) and

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(c) Predial Tithes are those which are paid of things rising and growing from the Ground only.

and on the Writings of *Augustin, Ambrose*, and the rest of the ancient Fathers, who say they are due by *Divine Right*.

The Clergy of those Times were at a Difference among themselves, some of them saying, that Tithes, *quoad quotam partem*, or as a determined Part, are due only by positive and Ecclesiastick Law; but *quoad substantiam suam*, or as a competent Part to be allowed for the Maintenance of the Ministry, are due by Divine Law; and that the tenth Part was decreed by the Church, *per vim ejus exemplarem*, or by Imitation of the Jewish State, and not *per vim obligativam*, or any continuing Force of it under the Gospel; and that the Church was not bound to this Part, but freely might as well have ordained the Payment of a ninth or eighth, according to the various Opportunity. This was taught by *Hales, Aquinas, Henricus de Grandavo, R. de Midda villâ, Cardinal Cajetan, Io. Mayer, Suarez, Maledictus*, and others, who say it is the common Opinion of the greatest Part of the Clergy of that Time, and that the tenth Part was rather ceremonial than moral.

Here also was made a Distinction, and many said, that predial and mixt Tithes were due by the Divine Ecclesiastick Law; but personal Tithes only by the Decrees of the Church; but *Hales* said, that Tithes, as well personal as predial, are in the Precept *Quodad Substantiam*, but neither *Quodad quotam*; and therefore in *Venice* and other Cities, where no predial Tithes are, a personal Tithe is required by the positive Law of the Church, by Virtue of the Substance (not Ceremony) of the Command.

Another Opinion (and that owned by many) was drawn from the former Doctrine, which concluded, that seeing Tithes, as the *quota pars*, were not enjoined by the Command of God, therefore they were

were meer Alms, or as what, *debito Charitatis*, not *debito justitiae*, was to be dispensed. Of this Opinion were the *Dominicans* and *Franciscans*, who both began about the Year 1210, and by their Doctrine got many Tithes to be given to their Monasteries, and that whatsoever was given to the four Orders of *Mendicant Friars*, was a sufficient Discharge from the Priests.

And our famous Reformers, *John Wickliffe*, *Walter Brute*, *William Thorpe*, and others, whose Arguments are at large in *Fox his Acts and Monuments*, did in their Days bear their Testimony against Tithes, for which some of them suffered in the Flames.

Agreeing herewith are the Articles of the *Babarians*; published near three Hundred Years since, wherein a Divine Right to Tithes since the Gospel is denied; whereupon also long since they took all their Temporalities from their Ministers; and before *Wickliff's* Time, *Gerardus Sagarellus* was of the same Mind. And the great *Erasmus* also said, that the common exacting of Tithes by the Clergy of his Time, was no better than Tyranny.

Having thus briefly run over the Doctrines, Decrees, Practices and Opinions concerning Tithes; I shall make some short Observations thereupon, that the Reader may understand wherunto they tend, and then proceed to the Matter as it concerns us at this Day, wherein he will find the Knowledge of these Things will be useful.

*First*, That amongst the *Jews*, Tithes were paid to the *Levites* that did the common Services of the Tabernacle and Temple, and not to the Sons of *Aaron*, the Priests; for they had only a tenth Part out of the Tithes; and therefore he that pleads for Tithes from the *Mosaical Laws* for Tithing, had need consider how the Payment of Tithes to Ministers succeeds to the Payment of Tithes

Tithes to the *Levites*, who were not Priests, nor were to touch or meddle with that holy Office, least they died.

2. That among the *Jews*, no outward Law was appointed for the Recovery of Tithes, but he that did not pay them robbed God, and by him only was punished.

3. That the Tithes were not for the *Levites* only, but for the Stranger, the Fatherless, and the Widow, who were to eat thereof, and be satisfied.

4. That when the *Levitical* Priesthood was changed by the Coming of *Christ Jesus*, the Law for Tithing was also changed, as *Paul* writ to the *Hebrews*; for it is evident, that in the Beginning of the Church, for the first three Hundred Years, while the Purity and Simplicity of the *Gospel* was retained, no Tithes were paid among *Christians*.

5. That as the Mystery of Iniquity began to work, and Mens Imaginations were taught instead of the Doctrine of *Christ*, divers Men fetching their Ground from *Moses*'s Writings, began to preach that Tithes again ought to be paid.

6. That those that first preached up Tithes, pressed the Payment of them, not for the Maintenance of a Ministry only, but chiefly for Provision for the Poor and Needy.

7. That in the first Practice of the Payment of Tithes, they were not paid as Tithes, but as Free-Offerings, at the Bounty of the Giver, and not as answering any Law that required the tenth Part, and so more properly were called Offerings than Tithes.

8. That notwithstanding any Doctrines preached, it was not a received Doctrine, that Tithes ought to be paid, till about the Year 1000, that the Pope had set up his Authority, and usurped Dominion over the greatest Part of *Europe*, and almost all Emperors, Kings and Princes brought in

in Subjection to him, and his innovated Superstitions.

9. That notwithstanding the strict Commands of the Pope, no outward compulsory Law was made by the Pope or his Councils, to enforce any to pay Tithes, but only their Excommunication.

10. That Tithes were always accounted an Ecclesiastical Duty, and therefore by Ecclesiastical Courts were tried and judged ; and till the Dissolution of Abbeys, &c. were never called a Civil *Right*.

11. That Tithes were brought in as a Duty owing unto God, and were so required and enforced, and therefore all Laws made for the Payment of Tithes, take that for their Ground, and not any civil Property or Right in him that claims them.

12. That till the Year 1200 or thereabouts, it was the common Practice for every one to bestow his Tithes where he pleased.

13. That from such arbitrary Dispositions, Abbeys and Monasteries came to be so richly endowed with Tithes and Rectories.

14. That all Exemptions from Payment of Tithes, came from the Pope.

15. That First-fruits and Tents are but a late Innovation, and claimed by the Pope as Successor to the Jewish High-Priest, as Cook in the third Part of his *Institutes* also testifies.

16. That Tithes are the same Thing, whether claimed by an Abbey, or Impropriator, or a Priest, and stand upon the same Ground and Foundation, and differ nothing but in the Person that possessesthem.

17. Here also the declining State of the Church to Corruption and Error may be clearly discerned and traced ; for as the Power of Truth was lost, so was the Fruit thereof, which caused such earnest pressing

pressing to needful Contributions, and when that would not serve, Laws and Decrees were made to force them: But in the Beginning it was not so; for while the Purity and Simplicity of the Gospel was retained, they needed no pressing, for their Charity then abounded not only to the tenth Part, but far greater Parts, as the Needs of the Church required.

18. That the Right of Tithes was never cleared, but remained in Controversy, even among the greatest *Papists*, and in all Ages there were those that withheld the Payment of them: And many of the Martyrs for that, among other Things, suffered in Flames.

These Things thus premised, I shall briefly state the great Case and Question, at this Day chiefly controverted concerning Tithes, as claimed and paid in *England*, viz.

*Whether any Person have a true and legal Property in the tenth Part of another Man's Increase, now C A S E. commonly called Tithes?*

The Terms are plain, and need no Opening; yet it is needful to declare why the Case is thus stated; for the great Question rather seems to be, *Whether Tithes be not due at this Day?*

That may be due to another, wherein yet he may have no legal Property, as Custom, Tribute, Taxes, which are to be paid because commanded by the State; and though Law and Equity obliges the Payment, yet is no distinct Property in him that commands; and so Tithes may be supposed to be due, because so many Laws have been made for Payment of them, though the Person that claims them may have no particular Interest or Property therein, other than is derived from the Command.

But

But now in *England*, Tithes are not only claimed by Virtue of divers Laws, but also as being a distinct Property, severed from the Property of the nine Parts.

And if this could clearly be evinced, all Scruples of Conscience were answered ; for if a true and legal Property be in another Person to the tenth Part of my Increase, I ought in Conscience to yield and set it forth, because it is not mine ; and then the Name of Tithe, as having in any measure Relation to the *Jewish* Priesthood, or *Popish* Clergy, were at an End ; but as a Debt it ought to be truly paid to the Proprietor,

Many Things have been said, and much written, to prove such a Property, the Substance whereof, as far as hath come to my Knowledge, I shall briefly sum up under these general Heads ; as also the Grounds of those who claim them to be due, and yet plead no Property, which being the lesser, may be fully included and answered in the other.

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Several Claims made for TITHES, and a legal  
Property therein, set down and answered.

1. THE first claim Tithes to be due *jure divino*, and produce the Law of Moses for it.

2. Others say, that as to the *quota pars* (viz. the tenth Part) Tithes are not now due by the Law of God; only the Equity of the Law is still of Force, which obligeth to afford a competent Maintenance for the Ministry, but doth not bind to the certain Quantity.

3. Others there are, who plead the Decrees, Canons and Constitutions of General Councils, Popes, Bishops, Convocations, and these say, that Tithes are due *jure Ecclesiastico*.

Under these several Claims, or some of them, have Tithes been demanded and paid, since the dark Night of Apostacy overspread the Earth under the *Papal* Power, till the Pope's Supremacy and Religion was cast off in *England*; and where the *Popish* Religion is professed, they are now by the same demanded and paid.

But now of late in *England*, new Claims are made, and the old Pretences seem too much to favour of the *Popish* Leaven, and therefore an human Right is pleaded, which I shall briefly bring under these few Heads.

1. Some plead the Gifts of Kings and Princes, who were Rulers of the People, as *Ethelwolph*, &c.

2. Others plead the temporal Laws of Kings, Parliaments, &c.

3. Others

3. Others plead the particular Gifts, Appropriation, Consecration or Donation, of those who were former Owners of the Land.
4. Others plead Prescription, and a legal Right by their Possession.
5. Others plead a legal Right by Purchase.

And besides these, I never heard or read of any other Pretence for Tithes, though I have, diligently for two Years and more, laboured to inform myself fully what could be alledged for them.

To begin with the first, those that say Tithes are due by Divine Right.

Some of them say, *that the Law given to Israel for Payment of Tithes to the Tribe of Levi, doth also oblige Christians to pay Tithes to their Ministers, as succeeding in the Priests Office.*

*Answe.* To such it is clearly answered, that the Priesthood which had a Commandment to take Tithes, being changed by *Christ Jesus*, there is made of Necessity also a Change of the Law; and now the Priesthood is no more committed to the natural Off-spring of *Levi*, or any other Tribe, but to *Christ Jesus* the unchangeable Priesthood, whose Kingdom stands not in Figures and carnal Ordinances, but is the Substance of what that was but a Figure: And it is clear, the primitive Churches were assur'd of it, who for some Hundreds of Years, and till the Mystery of Iniquity began to work, never called for the Payment of Tithes, as is before plainly proved.

And how doth a Gospel Ministry succeed to the *Levites*, who received Tithes, but were not Priests? Much more Colour had the *Quoristers*, Singing-men, and the rest of the Rabble brought into the late Cathedrals, to claim them, and only

to

to pay out a tenth Part to the Priests, as the *Levites* did.

Others say, *That Abraham paid Tithes to Melchisedec, which was before the Levitical Priesthood; and Christ Jesus is made a Priest after the Order of Melchisedec.*

*Abraham*, returning from the Slaughter of the Kings, was met by *Melchisedec*, who brought him Bread and Wine, and *Abraham* gave him the Tenth of the Spoil: But what is this to the Payment of Tithes, unless it oblige the Soldiers? For it doth not appear, that *Abraham* paid the tenth Part of his own Increase; nor doth it appear, that *Abraham* gave the tenth Part at any other Time; and how will this prove a yearly Payment of Tithes to Ministers?

And what if *Jacob* gave Tithes? How are either of these Examples more binding than any other of the good Acts that either of these holy Men did?

*Object.* If it be said, that *Jesus Christ* said, *Ye tithe Mint, &c. these Things ye ought not to leave undone.*

It's answered, that *Jesus Christ* then spoke to the *Jews*, in the Time when the *Levitical Priesthood* was not ended, who were bound by the Law, so long as it was of Force, till he was offered up, and said, *It is finished.*

But though Divine Right hath been long pretended, few are now left who will only stand to it, and the Generality, both of *Lawyers*, *Priests* and *People*, are of a contrary Mind.

For if Tithes be *absolutely due* by the Law of God, no Custom, Usage, Prescription, Privilege,

or *papish* Dispensation, can acquit from Payment of the utmost Penny of the tenth Part ; but scarce the tenth Person in *England* payeth Tithe in kind, and many plead they are Tithe-free, and pay none at all, and others very small Matters ; and so the greatest Part of the People of *England* deny Tithes to be due by God's Law.

Again, if Tithes be due by the Law of God, then it is to the End for which they were commanded, for the *Levites*, the *Strangers*, the *Fathers less*, and the *Widows* ; all therefore who plead for Tithes by Divine Right, must not pay them to an *Impropriator* ; for by God's Law he cannot claim, neither ought any *Impropriator*, of that Mind, to receive them.

And of late Years, it was by *Rolls*, Chief Justice, adjudged in the Upper Bench, that *Tithes are not now due by the Law of God*.

2. To the next, those that *plead the Equity of the Law is still of Force*.

These plead not for Tithes properly, but for a comfortable Maintenance, and by Way of *Tithes*, as they suppose most convenient, &c. And these bring many Scriptures in the New Testament, *That he that labours is worthy of his Hire* ; *he that preacheth the Gospel, ought to live of the Gospel* ; *let him that is taught, communicate to him that teacheth* ; and the like.

And to such I say, that not only the Equity of the *Levitical* Law for Tithing, the Doctrine of *Christ Jesus* and his *Apostles* do bind, but even from natural Things we are largely taught our Duty therein ; *No Man maketh the Meath of the Ox* ; and *no Man goeth a Warfare at his own Charge* ; and *he that plants a Vineyard, eats the Fruit thereof* : And herein it is agreed, that the *Ministers of Christ*.

*Christ Jesus*, who are called to his Service, and labour in the Word, ought to be comfortably provided for, that they go not a Warfare at their own Charge.

But this doth not require, that the World, (which lies waste as a Wilderness, and is not of the Vineyard) should contribute, much less be compelled, to give a certain Portion of the Fruits of their Labours towards the Maintenance of *Christ's* Ministers.

And these grant, that *every Man is the sole Owner of his own Labour and Possession*; and though by another he may not be compelled, for such Sacrifice God abhors, yet bought every one freely to glorify God with his Substance, to strengthen the weak Hands and feeble Knees, and to give to him that teacheth those Things that are needful, and such cheerful Givers God accepts.

And this leaves every one free to give to him that teacheth, not binding to the Maintenance of those who have less Need than the Giver, or of those who are transformed as Apostles and Ministers of *Christ*, who have the Form, but want the Power, who teach for filthy Lucre, keeping ever learning, but cannot bring to the Knowledge of the Truth.

And of such as *Christ Jesus* sent forth, he always took care, and they never wanted, but they reaped the Fruits of their Labour, and eat the Fruits of their own Vineyards which they had planted, and by the Churches who were gathered out of the World, were they maintained to preach the Gospel to the World, unto whom they would not make the Gospel chargeable or burthensome, which was their Glory and their Crown.

And herewith let all our now called Churches be proved and tried, who separate from the World, and yet many of them receive Pay and Wages for

their Teachers from the World, who send none at their own Cost to preach to the World.

And here our Rulers should learn Wisdom, to withhold their Hands from upholding any with their worldly Sword, and compelling others to maintain them ; and to leave *Christ's* Kingdom to his own Rule, who is Lord of the Harvest, and sends forth Labourers, and hath Spirit to put upon them ; who sends forth the Fishermen, the Shepherds, the Herds-men, the Tillers of the Ground, and the Keepers of Flocks, who speak plain Words that wise Men cannot understand, who are wise in the World's Wisdom, gathered in Schools, whither they are sent to learn a Trade, thereby to get their Livings ; and in the Time of *Popery*, they studied the *popish* Doctrines, and then preached them to others ; and in the Time of *Prelacy*, they changed to a new Form : And when that was laid aside, *Presbytery* was set up, and then such the Universities sent forth ; and since *Independency* was preferred, great Store of them are spread abroad ; and look what pleaseth them best that have the greatest Livings in Dispose, that is the most cried up, and most studied and preached ; and here is the Spring of our Teachers, the Universities ; and these say, that *Greek* and *Hebrew* are the Original, which they go thither to learn, that they may understand what *Christ* spoke, and the Apostles preached : But the *Hebrews* and *Greeks* who heard them speak in their own Language, could not understand their Doctrine, for it seemed Foolishness to them ; and these by their Original are in no better State, nor nearer to the Knowledge of the Gospel : And let our Rulers consider, that *Christ's* Love to the World, for whom he died, is not abated ; neither is his Spirit diminished, nor his Power shortened, that he will not, or cannot, send forth, and fit Ministers for his

his Service ; or that he needs Universities to instruct, or Magistrates to provide Maintenance for those he sends forth. And let them look to their own Kingdom, the World, therein to punish and restrain the Evil, and to encourage and protect the Good ; and then all would be agreed, and the Nation kept in Peace, every one enjoying his true Liberty and Freedom : For in this it is assented, that the Ministers of *Christ Jesus*, who sow unto us Spiritual Things, should reap of our Temporals : But here is the Difference, *first*, That our Consciences must be our Judge, who those Ministers are, and no other Man's Direction ; for to the Conscience were *Christ's* Ministers always made manifest, and not approved with the Reason and Wisdom of Man. *Secondly*, That our Gift must be free, and by no Man's Compulsion.

Would not this ease the Magistrate of much Trouble that he makes to himself, and be more acceptable to God and Man ? For who hath made him a Judge in these Things ?

A third Sort plead the Decrees, Canons, Constitutions, of General Councils, Popes, Bishops, Concocations.

To such I shall only say, that for the first Eight Hundred Years after *Christ*, no Canon or Decree was made by General Council, nor was it then determined by the Church (as 'twas called) what Part every Man should pay. And the first Eight General Councils do not so much as speak of the Name of Tithes, and that was till about a Thousand Years ; and then about that Time, it came to be received and believed, that *Tithes ought to be paid* ; yet in *England*, as well as other Nations, every Man might have given his Tithe where he pleased, till about the Year 1200, as is already

prosed: But I need not say much to these, few being of this Mind, but those that own the Pope for their Head, we having in *England* denied and cast off his Supremacy, though in this Matter of Tithes, and many other Things, we still feel his Power among us.

And now having briefly gone over the Substance of what is pleaded for a Divine or Ecclesiastick Right, I come next to what is pretended for an Human Right.

And the first Sort pleads the *Gifts of Kings*, as *Ethelwolph, &c.*

To these I answer, if they could prove the whole Land had been the particular Possession of any such King, they said somethong; though that would not justify the taking Tithes from all the People, as shall be more fully proved hereafter. But by what Right could he give the tenth Part of the Increase and Fruits of the Labours of all the People of his Dominions, who had no legal Property. theria? It was an easy Matter, when the Pope's Emisaries had taught the People, *that Tithes were due to God and them*; and had perswaded Kings and Nobles, *that Heaven might be purchased by their Works*, to procure from them the Gift of that which was not theirs, the *poor Peoples Tithes*; especially considering the People were of the same Mind, and as zealous of all the *Papis Superstitions* as themselves, and every one striving who should therein most excel; witness those many rich Abbeys and Monasteries, lately in this Land. But if that King *Ethelwolph's* Grant be the Foundation of Tithes, then how many succeeding Kings and Bishops, and others, have violated his Deed, by appropriating them to Abbeys, Monasteries, and such like Houses? And how have

have all Ages since *Ethelwolpb's*, taken upon them-selves the Disposition of Tithes, without any Relation to what he did? Which shews clearly, that neither Kings, Parliaments, nor People, did ever take themselves bound by his Grant: But the Folly and Vanity of this Argument will more plainly appear hereafter.

The next, and those which seem to have the strongest Plea, do urge, *The Temporal Laws of Kings and Parliaments*, and say, *by the Law they have as good Property in Tithes, as any Man hath in his Lands.*

*Answe.* To such I say, the Law doth not give any Man a Property, either in Land or Tithes, or any other Thing, but only doth conserue to every Man his Property, which he hath in his Land and Possessions, either by Gift, Purchase or Descent, and secure him from the Injury or Violence of another.

But let us not be deceived with a new Pretence, lately taken up to delude simple Minds, of a *legal Property*, and a *civil Right*; for that is but a Shift, and it matters not what any say, or now pretend, concerning the Right of Tithes, when they see their other Claims will not serve the Turn; but let us hear what the *Makers* of the *Laws* say of them, those from whom they claim; and passing by the *Saxon's Times*, and *King Stephen*, and the rest of those who were in the *Mid-night of Property*, let us come to *Henry the 8th*, who cast off the Pope, and upon whose Law, all others that were since made are builded; and in the Preamble of the Act, it is declared, *That Tithes are due to God and Holy Church*, and they blame Men for being so wicked as not to pay them, and therefore that Law is made; and here is the Ground of the Law, not

any Property or civil Right in Priests or others, and therefore, if the Law require them as due by Divine Right, he that saith they are only due by human Right, cannot claim them, nor ought to recover them by that Law, for he claims them by another Right; and for any Man to claim that by human Right, from human Law, which commands them as due by Divine Right, is but a mere Deceit. And that Law of Hen. the 8th, and the rest, did not upon any civil Ground set up, or constitute the Payment of Tithes, but takes it for granted, *that Tithes are due to God and Holy Church*; and therefore the Foundation of the Law being taken away, *that they are not due to God and Holy Church*, the Law falls to the Ground; for the Law not making them due, but supposing them due by a former Right, if they were not so due, the Law cannot be binding.

That Tithes were never, till now of late, pretended a *civil Right*, is plain; for as they were imposed by the Pope, so were they triable in his Courts; and those very Laws made by late Parliaments, did appoint them to be tried in the Ecclesiastical Courts, and restrained the temporal Jurisdiction, as the Acts themselves testify.

But what is the *Property* that is now claimed? Is it in a Person? That cannot be, for the Priest hath them not till he enters his Office, and when he parts with that, he loseth his Tithes: So the Priest hath no Property, but his Office; and what is that? It was a *Papish* Office when Tithes were first paid to it; and how comes the Property to continue now the Office is laid aside, and the Pope that set them up? But how can a civil Right or Property be pretended, when the Author was the Pope? The End for a called Spiritual Office, and recovered in an Ecclesiastical called Court; are not these Covers grown too short?

And

And in the Act of 32. Hen. 8th, Tithes are called *Spiritual Gifts*: And there, of impropriate Tithes sold after the Dissolution, it's said, they are now made *temporal*: And before that Time, it was never heard that Tithes were called a *Temporal Right*.

But it's farther said, *These Laws were made by Parliaments, the Representatives of the People: And though Tithes were not due before, yet they might give Tithes, because their own, they being the Body of the People.*

This would suppose a particular Consecration, or Donation of the People, not only as in their *Legislative Capacity* to bind themselves by a Law, but by a particular Act of Free-Gift: But it's plain, the Act never intended any such Thing, for it gives nothing, but commands what was before.

And as to the Law itself, and all other *Laws* of Kings, Parliaments, Popes, Councils, Bishops, and whatever else was by any Man made for the Payment of Tithes since *Christ Jesus* came in the Flesh, joined altogether, how do they all, or any of them bind the Conscience? For if Tithes be not due by the Law of God, as is herein proved, and almost generally granted: Who hath set them up? The Law of Man at best: And who is Man, that makes a Law in the Place where God disannulled his own Command? Is it better to obey Man than God? Or is Man grown wiser than his Maker? Who put this Power into the Hand of Man, to raise a compulsory Maintenance for Ministers? That any Parliament have Power, to make any binding Law for the Maintenance of those they call Ministers, for doing a Work which they call Worship of God, and force the People to submit to it, the clear Light of this Age doth generally

generally condemn ; for they are much more like to set up and maintain those who are contrary to Christ, than Christ's Ministers, who never looked for, nor durst own such a Way of Provision. Will any say *they have Power?* From whom had they it ? Is it derived from the People ? That cannot be. Haye they any other Power committed to them ? How is it ? As they are Magistrates ; if so, the Turk, and all Infidel Magistrates have the like : Or is it as they are *Christian Magistrates* ? Then may not *France, Spain, &c.* claim the same ? For what Nation in *Europe* will not say they have a *Christian Magistracy*, though far the greater Part of them be *Papists* ? And may not a *Papist* by as good Right require and compel Maintenance for his Ministers, as *Henry the 8th*, or any other could, or can do ? But that I may not be mistaken, as if I went about to take away the Magistrates Power to raise Taxes, Assessments, or other Charges, for the Service and Defence of the Nation, it is needful to distinguish between those Things that are called *Civil*, and such as are called *Spiritual* : For civil Ends and Uses, the People may give Power to their Representatives to raise Moneys, or any other civil Thing, because in such Things they are their own Masters : But in Matters of Religion and spiritual Things, no Man can give Power unto another, to impose any Thing upon himself, or his Neighbour ; for in those Things every one is to be accountable unto God, and to stand and fall to his own Master. And thus we give unto God the Things that are God's ; and unto *Cæsar*, the Things that are his ; paying Tribute to whom Tribute is due. But as for all Laws made in the Will of Man, in the Things of God, and their heavy Punishments inflicted upon such as cannot for Conscience Sake conform unto them,

them, they reach not the Conscience, and therefore make no Sin against God.

And as concerning the Laws of King *Henry the 8th*, and *Edward the 6th*, it may be considered, some of them were made by a *Popish* King and Parliament, and the rest, in the Glimmerings of Light, when Men were but seen as Trees; and therefore, to make their Laws a Rule for this Day of clear and Sun-shine Light, savours too much of the old *Popish* Spirit, and is a Shame to our Reformation: And if it be said, *Papists might and did make good Laws*; it's true, in temporal Things they did, but not in Things of Religion, wherein they are differenced from us, because *Papists*.

But were the Law just in commanding Tithes, can it be equal to give *double or treble Damage*, where they are not paid? If any Man owe a just and due Debt, no more by Law can be recovered, but what the Debt is, besides the Charges of the Law: How cruel therefore are these Laws and Ordinances, which in a Matter of so much just Scruple, require and Impose the double or treble Value? And how unrighteous are all such Persons, as by Force of such Laws receive them? For if Tithes were due, is therefore the treble Value due, because the Law hath made that Penalty? Where is Equity or Justice in either? The Pope and his Adherents did only excommunicate the Refusets till he conformed; and till these late Laws, such Penalties as Imprisonment and treble Damage were never known. And here what was by our Fore-fathers Superstition (whom we look back at as afar off, and pity) begun in Ignorance, we build up, and confirm with Tyranny, and instead of their Rods, make to ourselves Scorpions.

But herein is not all, but the Law requires every Man to set out the Tenth, and so makes him

him a voluntary Agent, in that, against which his Conscience testifies, which is most cruel and unrighteous ; and him that cannot do so, they sue and hale before Courts and Magistrates, and there they get Judgment of treble Damage, and by that Judgment, frequently take Five-fold, yea sometimes Ten-fold the Value : Shall not these Things render this Age, which so much pretends to Reformation, contemptible to future Generations ? And for these Things, shall not even *Papists* rise up in Judgment against us, and condemn us ?

But how is it that any Law for Tithes is now executed ? Do not all *Laws* and *Statutes* for Tithes restrain the Trial of them to the Ecclesiastical Courts, and prohibit the Temporal Courts from meddling with them ? And since the Ecclesiastical Courts are destroyed, Who have Power to give Judgment for Tithes ? No temporal Judge proceeding according to the Laws for Tithing. How is it then, that so many Persons are sued, prosecuted, and unjustly vexed for Tithes in all the Courts at Westminster ; and not only so, but in the Sheriff's Court, and other petty Courts in the Country,

*Object.* If it be said, *The Statute gives double Damages and Costs, and no Court being appointed where that shall be recovered, it must be supposed to be the Common-Law Courts.*

I answer, by asking of what must they give the double or treble Damage, seeing they are restrained from trying for the single Value ? If they cannot judge the one, how can they award the other ? Will they condemn an Accessary before they try the Principal ? What is this but to make the Law a Nose of Wax, or any Thing, to uphold another unrighteous Kingdom.

*Object.* It will be said, *Justices of Peace have Power.* It may be so by an Ordinance, but no

Act

N. B. this  
was in the  
time of the  
Common  
Wealths.

Act of Parliament, which is the Law of *England*; and that they do it, many poor People feel; for generally they give treble Damages for all manner of Tithes, wheras the *Statute* gave but double, and Costs, and that only for predial Tithes: And they usually execute their Precepts by such Persons as will do it effectually, who take generally five Times more than the Value, which they appraise and sell far under the Worth; and he that cannot comply with their Cruelty, and confess their Judgment just, by accepting back what they will return, doth frequently suffer five or six-fold, yea often ten-fold Damage. And here the Fingers of the Justices are too often found, by conscientious Men, far more heavy than the Loins of the Law, nay more than of the old Ecclesiastical Courts, or the Pope himself, who hath no such Penalties. I write what I can prove by manifold Instances.

Though these Oppressions be many and great, yet are they not all that this Age exercises; for by a new Device, under Pretence that Priests are not able to pay Tents to the *Protector*, unless every Man pay them their Tithes, they sue Men for all Manner of Tithes by *English Bill* in the *Exchequer*, and there would force them upon their Oaths, to declare what Tithes they have; wheras in the Ecclesiastical Courts, the Ordinary might not examine a Man upon his own Oath, concerning his own Tithe: And here such as either make Conscience of Swearing, which *Christ* forbids, or cannot themselves tell what Tithe they had, are cast into Prison for Contempt, where they may lie as long as they live, no Law in the Nation reaching them any Relief: And divers upon this Account have long lain in the *Fleet*, and yet are there; and I believe above an Hundred Suits are in the *Exchequer* depending, and Proceedings stopt at this Point; the Hearts of the

This was  
in the Year  
1655, or  
there-  
abouts.

very

very Officers of the Court, relenting with Piety, towards such Numbers of poor Men brought thither every Term, from the most remote Parts of the Nation, and some of them not for above ~~Twelve~~ ~~Pence~~, such merciless Cruelty lodges in the Hearts of many, if not the most of our pretended Gospel Ministers.

O shameful Reformation! What! compel a Man himself to set out the Tithe of his own Goods to maintain an Hirling-Priest, it may be one openly profane, and so make him sin against his own Conscience, or take from him thrice, or rather five Tithes as much! And not only so, but to force him to swear what Tithes he had, or commit him to Prison, there to lie without Hope of Relief, doth not the Cry of these Abominations reach through Palace-Walls, and enter Parliament Doors? Surely they reach the Gates of Heaven. And though Man have forgotten his fair Promises, God will in due Time break these Bands, and send Relief another Way. O cursed *First-fruits* and *Tenths*, the superstitious Relick of *Papery*, and Wages of Unrighteousness, the Cause and Cover of all these *Exchequer* Suits, and of most of these Mischiefs! Must we still have *Priests* and *Tithes*? Then may we not wish for old Priests, and old Ecclesiastical Courts? For much more Moderation was in them, and even *Papists* would blush at our Cruelties. Did but the Magistrate see what Havock is made in the North; what driving of Goods, the Oxen out of the Plow, the Cows from poor and indigent Children, what carrying of *Pots*, *Pans*, and *Kettles*, yea and fetch-  
ing the very Cloaths off poor Peoples Beds, he would either be ashamed of such *Justices*, or such *Priests* or *Tithes*, or of them all. Such Instances I could give, as would make the Reader's Ears to tingle; and he that cannot believe me, let him send into

into Cumberland, and he shall meet with few that cannot inform him of it ; or do but let him go a little after Harvest, and he may find the Justices so busy, as if they had little other Work to be doing. But whither have I digressed ? Let me return to hear what the next can say.

3. And these plead the *Gift* of *those* that were formerly *Possessors* of the *Land*, and say, *Those* that pay *Tithes*, do but that which their *Ancestors* justly charged upon them.

To such I answer, that it's true many *Ancestors* gave *Tithes*, which of them were required, as before hath been declared ; but what is that to us ? Or how are we thereby bound ? Did ever any *Man*, in any *Deed* or *Conveyance* of this *Land*, expressly such *Gift*, or make any *Exception* of *Tithes*? I never saw or heard of such a *Thing*, and let those who can find such *Reservations*, make their *Claim* ; but I believe it will not be in *England*. That which this *Sott* pleads, seems to make a *Ground* for a *distinct Property* ; for if there be a *Property*, it must of *Necessity* arise from him that was the *true Owner*, and had *Power* to charge himself and his *Posternity* ; and these say, *They have as good Right to the tenth Part, as the Owner has to the nine* ; and that he never purchased it, and the like. Unto all which I answer, that though it were true, and could be proved, That *mine Ancestors* gave *Tithes*, and that for ever, yet am I not thereby bound to pay them, or stand any way chargeable with them. It's true, when they were *Owners* of *Land*, they might themselves yield and let forth what *Part* of their *Increase* they pleased, or might have given the tenth, or any other *Part* of their *Land*, as they would, or they might have charged upon the *Land*, what *Rent* they liked ; but

but they could not charge their Posterity with that which was no Way theirs, nor which in any true Sense, Construction or Understanding, they could be said to have any Property in, and which is not paid, by reason of that which is derived from them ; for Tithe is neither paid of Land, nor by reason of the Land, but is paid by reason of the *Increase or Renewing* ; and therefore the Doctrines of the old Fathers, the Statute of *Edward* the 6th, and so the *Papish* Laws for Tithes, do as well require the Payment of the tenth Part of Mens Profits and Gain, whether by Trade, Commerce or Merchandize, as of the Fruits of the Earth, yea the tenth Part of Wages, and all personal Increase, though not raised immediately by Land : And surely no Man will say, that he pays Tithe of these because his Ancestors charged him with them ; nor will any Man allow, that another Person, by any Gift of his Ancestor, can have another distinct Property in the tenth Part of the Fruit of his Labours ; and the Case is the same as to all Tithes, whether predial, personal, or mixt ; if I sit still and plow not, *no Corn will grow* : If I sit still and work not, *no Profit will rise* ; so that it's my Labour, my Diligence and Industry that raiseth the Tithe, and in my Power it is, to make it less or more ; and sometimes, yea often it falls out, that the Tithe of Corn is thrice more worth than the Yearly Value of the Land on which it grows ; and herein Tithe of Corn is far more hard and unequal than personal Tithes ; for the one pays but the Tenth, all Charges deducted ; the other pays the Tenth of Charges and all.

Mine Ancestor could not charge me with that which doth *not accrue* by reason of that which I have from him ; nor am I bound, because mine Ancestor left me Land, to pay Tithe, which is not paid by reason of the Land, but of the Increase, unto

unto which I am no more tied by *Law*, than he is who hath Increase without Land. If I have Land, and no Increase, I pay no Tithes ; if I have Increase, though no Land, I ought by *Law* to pay Tithes. If I husband my Land, so that the Increase of it is not to be severed, no Tithe can be recovered of it ; and therefore if I pasture my Land, no Tithe shall be paid for the Grafs, which is eaten unsevered, but only a Rate-Tithe for that which doth depasture on it ; which makes it plain, that Tithe is not paid by reason of the Land, but of the Stock ; and in that also, it lies in my Power to make the Tithe much, little, or nothing ; if I plough and sow Corn, the tenth Part of the Increase is generally more worth than the Land on which it grows, which comes not by the Land which descends from the Ancestor, but because of the Increase, won by the great Charge, Industry and Labour of the Husbandman. If I pasture my Ground with Sheep that yield a Fleece, the Tithe will be considerable, though not so much as by Corn. If I pasture with Cows or breeding Cattle, a much less Tithe is paid : And if I eat with Horses and barren Cattle, a small and inconsiderable Rate is only required, though in few Places of the Nation would that be coveted in the Times of greatest Height of *Popish* Laws. But if I plant Wood, and let it stand for Timber ; or if I store my Land with Beasts which be *feræ naturæ*, wherein there is no personal Property, no Tithe shall be paid. Or if I will let my Land lie waste, (which may be supposed, because it may be done) or will eat my Meadow, or Corn standing, no Tithe can be required. All these Instances manifest, that Tithe hath still Relation to the Stock and personal Estate, and not to the Land ; and is paid by reason of the Stock, and not the Land ; and so no Ancestor could lay and perpetuate such a Charge

as Tithe upon it, nor could he bind his Successor to it. If by my Ancestor I am bound to pay Tithes *ratione tenentis*, or in consideration of the Land which he leaves me, to what Value must it be? I may yearly pay more than the Land he leaves me is worth: If I keep it in Tillage, and if I pasture it, I need not pay the twentieth Part; have I not herein (without Fraud to my Ancestors) Power to pay much or little? (8) How is this like a Rent-Charge certain, which is by some objected? If Tithes

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(4) It may be farther shewn, that there is no Parity of Reason between Tithes and a Rent-Charge fix'd upon Lands; for a Rent-Charge is paid by reason of the *Land* on which it is charged (in which he that charg'd had a Property) but Tithes are not paid by reason of the Land, but by reason of the Stock and Labour of the present Occupier of the Land. If there be no Increase, no Profit made, no Crop planted, nor any Thing renewing upon the Land, no Tithe can be demanded. But for the Non-payment of a Rent-Charge, he on whom it is settled, may enter upon and possess the Land which is charged with the Payment of it. But for Non-payment of Tithes, he who claims them, cannot enter upon or possess the Land, but is made whole out of the Stock of the Occupier. All which demonstrates, that it is the Stock, not the Land, of which the Tithe is paid. Now since Tithes are not the tenth Part of the Land, but the tenth Part of the Increase of the Stock, and seeing the Labour, Care, Skill, Industry and Diligence of the Occupant, is involved, and necessarily included in the Stock, as instrumental Means and Causes of producing the Increase: A perpetual Grant of Tithes, implies a Grant not only of other Mens Stocks, in which the Grantors had no Property, but of other Mens Labours, Care, Skill, Diligence and Industry also, long before they were begotten, upon which Supposition, all Men but Priests, since Ethelwolf's Time (the first King of England, who made a Grant of Tithes) must be born Slaves, under an Obligation to employ their Time, Pains, Industry and Skill, in working for the Priests. But whether it be rational to admit in Ethelwolf, or any other, a Power to impose the *Necessity* of such a servile Condition on their Posterity, let the Reader judge.

And

Tithes were paid by reason of the Land, surely there is most Reason, that the tenth Part of the

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Grants

And if we suppose, that ~~Rebelwolf~~ had an ample Power of disposing what he pleased, or that the People had by Consent joined with him in the Donation, every Man according to the Interest he had ; yet neither could he single, nor he and they conjoin'd, grant any more than belonged to themselves ; for it is an indisputable Maxim, that \* *No Man can \* Netto transfer more Right in another, than he himself has.* They plus juris might have disposed of what Part of the Land they pleased, ad alium they might have given the tenth Part of the Land, the tenth transferre Acre, &c. But for them to make a Grant of the tenth Part potest of the Profits of the Land for ever, is repugnant to Reason, quam ipse Justice and Equity ; they are therefore greatly mistaken, haberet. who take Tithes to be no more than a Rent-Charge, and urge it, *That the Owners might as well make a Grant of Tithes for ever, as set a Rent-Charge upon their Lands for ever.*

Though this Argument has been urg'd for the Reason and Lawfulness of paying Tithes, yet if we consider impartially the Nature of each, we shall find a vast Difference : For if a Man enjoys a Farm, on which a Rent-Charge is settled, he is chargeable with, and liable to pay it, whether he employ his Farm or not. Whence it is evident, that a Rent-Charge being a Charge upon the Land, not upon the Stock, and Tithes being a Charge upon the Stock, not upon the Land, though our Ancestors had Power to lay a Rent-Charge upon their own Lands, in which they had a Property, yet they could not have a Power to grant Tithes out of other Mens Stocks, in which they had no Property. Again,

Though it should be urged, *That Tithes were settled by those that were actually seized of them in Law* ; yet if Tithes be the Tenth of the Profits or Increase of the Land, they who were actually seized of them in Law, could settle no more than they were seized of, and they could be actually seized of no other Profits or Increase, than what did grow, increase, or renew upon the Land, while they were actually seized of it : So that such Settlement, how valid soever, while they lived, must needs expire with them. Hence can any one with Reason urge, that they who were possesse of Land an hundred Years ago, could then settle or dispose of the Profits and Increase that shall grow and arise upon the Land an hundred Years after, since that Profit cannot arise barely from the Land, but from the Labour, Industry and Stock of the Occupier ?

Where

Gras renewing upon all Pasture-Grounds should be paid ; for the Land still brings that with it, and it's easily divideable by Rent, or let by Month. If another hath as good Right to the tenth Part of the Increase, as the Owner hath to the nine, why can he not take it without the Owner's setting it out, or recover it by Action of Debt or Trespass ? But it is clear there is no Title till it be set forth, and then if the Owner carry it away, an Action of Trespass lies, because he had set it out, and given it to another, and so altered his Property, as one Man doth, by marking his Cattle for another Man ; and therefore it is, that the Law which commands Tithes, doth not give Power to any to take the Tithe, because he had no Title, but enjoins the Owner to set it forth, and so make it another's by his own Consent.

If any Man claim Tithes by my Ancestor's Gift, may I not ask him, to whom, and for what, my Ancestors gave them ? And it is plain beyond Denial, that all those Gifts of Lands or Tithes in *England*, since *Augustin* the Monk planted the *Popish* Faith,

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Were ever any actually seized of the Labour of the Husbandman's Hands, of the Sweat of his Brows, of the Judgment, Understanding and Skill that God hath given him ; of the Stock he employs, the Cost he beftows, the Care, Pains, Industry and Diligence he exercises for the obtaining a Crop ?

Again, if we consider the Practice of our Ancestors, in their Donations of Tithes, we may find, that they did not look upon Tithes to be at all in the Nature of a Rent-Charge, for they took great Care by *Legal-Settlements*, to secure and assure those *Revi-Charges* ; but made no Provision (for some hundred Years) for the *Payment of Tithes*, save by Ecclesiastical Censures ; nor was the Knack of sueing for Tithes in *Temporal Courts* found out, till of late Years ; which argues, that as they gave Tithes at first in a religious (though blind) Devotion, so they intended the *Continuance* of them should have depended on Devotion also. *Thomas Ellwood's Foundation of Tithes shaken.*

Faith, and preached up the new Payment of Tithes, there given to *Popish* Priests, for saying Prayers for we Souls of the Givers, and their deceased Ancestors, as old Consecrations do witness: And therefore in Reason, if the Consideration and Service be ceased, so ought also the Wages; for no Man, in Law or Equity, ought to claim Wages when he will not do the Work for which it was given; and seeing those *Popish* Priests and Prayers are laid aside, the Gift (if any such were, and could be binding) ought to return to the Donor, and may not without his Consent be perverted to another Use.

“ Tithe was never claimed in respect of any S H E P-  
“ Ownership in the Land, but *ex debito*, by the H E R D.  
“ *Law* of God, for Subtraction whereof, no Re-  
“ medy lay at the *Common-Law*; and therefore,  
“ if a Parson let a Lease of his Glebe to another,  
“ with all the Appurtenances, yet he himself shall  
“ have Tithe of it.”

“ *Terræ non sunt decimabiles*; and therefore neither C O O K.  
“ *Mines* nor *Quarries* of *Iron, Brass, Tin, Lead,*  
“ *Coals, Stones, Tile, Brick, or Lime*, are Titheable,  
“ nor *Houses*, nor *Trees*, nor *Gras*, nor *Corn*, till <sup>Confus-</sup> *tar is*  
“ they be severed from the Land, the real Estate <sup>Felony &</sup> *Trespass*  
“ which descends by Inheritance from the Ancestor, <sup>between</sup> *freebold*  
“ and made a distinct personal Possession.” And <sup>and move-</sup> *able Goods*.  
therefore Tithe is not paid of Land, nor by reason of the Land, nor is it a Charge upon Land, like a Rent-Charge, nor was it ever so claimed, till of late, that the *Popish* Covers were not broad enough.

*Object.* But some object and say, *When I bought my Land, I bought not the Tithe, nor paid any Thing for it.*

*Answe.* I answer, That I and all Men bought all our Land, and that without any Charge of Tithe upon it; and therefore in all Conveyances

it's still said, *All that, &c.* and never any Covenant for, or Exemption of a tenth Part, either of Land or Increase; and to him that saith, the *Seller*, or his *Ancestor*, charged it with *Tithes*, as a *Rent*, I say, where a Rent is charged, it is still expressed; and find any such Exemption or Covenant, and I will freely pay them as a just Debt. And is it not ridiculous for any to talk of purchasing his Tithe? For with his Labour, Charge and Husbandry, he pays dear enough for his whole Increase.

*Obj.* Another objects, *That though I bought all my Land, yet I bought it cheaper, (because it was supposed, that it ought to pay Tithes) than I could have bought such Land as was known to be Tithe-free; and therefore having a cheaper Bargain, I am bound in Equity to pay Tithes.* (e)

*Ans.* I answer, that I have already proved all Land is Tithe-free, and the Charge of Tithe is upon

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(e) N. B. Let the Reader consider, *What it is the Purchaser buys, and what it is Tithes are demanded of.* The Purchaser buys the *Land*, and that he buys intire. No Tithe-Land, no tenth Acre, is ever excepted expressly or implicitly; but he buys the whole Field or Farm, the *tench Part* as well as the *nine*. But in this Purchase he buys the Land, not the Profits or Increase, which by Husbandry and manuring may arise upon the Land in Time to come; for they are uncertain, and the Seller who makes him an Assurance of the Land, will not undertake to assure him a future Increase and Profit from the Land; nor were it reasonable to expect it. When therefore he has this Land, if he will have Profit and Increase from it, he must purchase that after another Manner. He pays for that, (and many Times dear enough too) by the Labour and Charge he bestows in Tilling, Dressing, and Manuring it. And if in this Sense, he may be said to purchase the *nine* Parts of the Crop or Increase, in the same Sense he purchaseth the tenth Part also, for he bestows his Charge and Pains on all alike; and the tenth Part stands him in as much as any one of the *Nine*. Thus then the Buyer first

upon the Stock and personal Estate, and not upon the Land. And the Strength of this Objection lies, in comparing those that pay Tithes with those that are free ; they that buy Lands Tithe-free, are eased of this Oppression, and are in no Hazard ; and though all others ought to be so, yet it being a Question, whether they can ease themselves of the Burden, they buy under an Hazard, and as subject to such a Charge ; but if they can cast off the Yoke, they get but what is their own : And seeing we have denied the Pope's Authority and Supremacy, we may so soon as we can, wholly cast off the Burdens which he laid on us. And thus, he that buys Lands in the Years of Trouble and heavy Taxes, may perhaps buy much cheaper than when none, or little, is paid : Shall he therefore always be required to pay Taxes when others are discharged ? Or shall he that bought cheap Penny-worths on the Borders between *England* and *Scotland*, when those Parts were infested with *Mosse-Troopers*,

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*Troopers*,

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first purchaseth the Land, and afterward the Occupier, whether Owner or Tenant, purchaseth the *Crop*. The one buys the Land by laying down so much Money, the other obtains the Crop, by bestowing so much Charge, and so much Labour, &c. And as in the Purchase of the Lands, the Buyer doth as really buy the *tenth Acre*, or tenth Part of the Lands, as the Ninth or any other Part of the Nine ; so in the Purchase of the Crop, the Occupier doth as really purchase the *tenth Part* of the Profits and Increase, as he doth the Ninth, or any other Part of the Nine ; and after the same Manner, he lays his Dung *on all alike*, he sows his Seed *on all alike*, he plows *all alike*, he bestows Pains and Charge, and exercises his Skill and Care *equally on all*. Thus it appears, that *Tithes are really purchased by them, by whom the nine Parts are purchased, and do really belong to them, to whom the nine Parts do belong* ; whether Tithes be understood of Lands or of Profits. If of Lands, the Purchaser doth as really buy the *Tenth Acre*, as any of the Nine, and gives as much for it. If of Profits, the *tenth Sheaf*, or *tenth Part* of the Crop, doth cost the Occupier *as much to the full, as any other of the nine Parts*.

Troopers, always maintain, or pay Tribute to Thieves and Robbers? We bought Land when the Pope's Yoke was upon our Necks, and if we cast it from us, we may, by as good Reason, be eased of our Tithes, as they of their Taxes. But if I bought cheaper, what is that to the State, or to a Priest? If in Equity I be bound to pay any more, it is most just, that he have it of whom I bought my Land, and not another.

There are others who *plead a legal Right by Prescription, and that they have a good Right, because they have so long possessed them.*

This was the old Device, first to preach that Tithes were due, and then to limit them to the Parishes, and when forty Years were past, to claim them as a Debt, which before was paid as Charity, or at most as a Free-will Offering of the Owner. And thus the Pope got First-fruits and Tenth<sup>s</sup>, and Peter-pence, and many (f) great Sums out of this and other Nations, which long continued; and he might as well have pleaded his Prescription, as any of his Branches now can do. Is any so blind, as not to see what poor Shifts are now made, to uphold so great an Oppression, which can find no better Ground for its Support than this, *that it hath been so long continued?* But shall the Continuance of an Oppression give Right to perpetuate the Grievance? How many great and heavy Pressures, in other Things, did long lie on this Nation, of Customs and Practices of former Times, which daily were, and still have been abolished, as *Light* did more and more increase? Witness those many Laws and Statutes made, and now in force, abolishing

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(f) In temp. H. 3. the Pope had above 12000*l.* per Annum, out of this Nation; which was then more worth than the King's Revenue.

lishing the Usages and Customs of former Ages ; but yet this is a great Mistake, for by the *Common-Law* (and the old *Popish Ecclesiastick-Law* is out of Doors) no Man can prescribe to have Tithes, tho' many may prescribe to be free from Tithes, or Part thereof ; for he that claims Tithes, (except *Impropriators*, to whom I shall speak hereafter) must claim them as a *Parson*, *Vicar*, or other called *Ecclesiastick Officer*, and, (as I have hinted before) he claims them not as such a Person, but as such an Officer, and the Prescription (if any were) is to his Office. Now if no such Office be in Being, his Claim is at an End : That there is now no such Office, is plain ; for when *H.* the 8th renounced the Pope, he was declared by *Act of Parliament* (which was assented to by all the Clergy in their *Convention*) to be the *Head of the Church* ; and all *Archbishops*, *Bishops*, and all others in *Ecclesiastical Orders*, were no longer to hold of the Pope, but of the King, and not to claim their *Benefices* by *Title* from the Pope, but of the King, by *Virtue* of that *Act of Parliament*. And here the Succession from the Pope was cut off, and discontinued ; and the King by his new *Authority*, as *Head of the Church*, made *Bishops*, and gave them *Power* to make *Parsons*, *Vicars*, and others called *Ecclesiastick Officers*. Afterwards, as the King renounced the Pope, so the *Parliament of England* laid aside Kings, who had assumed the *Title* and *Stile* of *Head of the Church*, and also abolished *Archbishops* and *Bishops*, and all their *Dependencies*, *Root* and *Branch* : And here the whole *Ecclesiastick State* was dissolved, and the *Body* fell with the *Head*, and the *Branches* with the *Root* ; both *Parsons*, *Vicars* and *Curates*, and all the whole *Progeny* and *Off-spring*, and so all their *Right*, *Title* and *Claim* to *Tithes*, was and is at an End, as is more plainly, and more fully, set forth

forth in a late printed Paper, by *Jer. Benson*, to which I refer.

And now I come to the last, *Those that claim by Purchase, and these are the Impropiators, and they say they have bought them of the State, and have paid great Sums of Money for them, and many of them have no other Subsistence.*

To these I answser, That I have shewed before, that in the Root all Tithe is alike, whether it be now claimed by a Priest or an Impropiator, and both must fall together. And seeing those that sold them had no good Title, neither can theirs be made good which is derived from them. But seeing it was the State that sold them, and that the whole Nation had the Benefit of their Moneys, it is equal and just, when they cannot have what is sold, that their Moneys be repaid; to which Point I shall speak more fully hereafter, in Answer to an Objection which I meet with in my Way, needful to be resolved.

And thus I have briefly gone over the whole Matter, and heard what every one can say, and have returned them Answers, by which it doth plainly appear, that no Man at this Day can claim Tithe of another, either by Divine or Human Right; and that Tithes are neither due by the express Law of God, nor by the Equity of that Law, nor by the Decrees of the Church, nor Grants of Kings, nor Laws of Parliaments, nor Gifts of the People, nor Prescription of the Possessors, nor the Purchase of Impropiators.

It now only remains, that I answer some general Objections, which I shall do in as much Brevity as I can, and so leave the whole to the Reader.

The First is made by the State.

The Second by Impropiators.

And the Third by Parish-Ministers.

And

And all these together object and say, That tho' it should be granted, that the Right of Tithes cannot be proved, yet if it be found, that taking them away will bring great Loss to the publick Revenue, much Damage, if not Ruin, to many particular Persons and Families, and great Hazard of bringing Confusion to the Nation, by such a great Alteration, after so long a Settlement, and endanger the very publick Profession of Religion, by taking away Ministers Maintenance, and consequently Ministry itself; it is not Prudence for satisfying some, to bring so many and great Inconveniences upon the Nation.

These Objections plead not for the Right of Tithes, but against the removing of them, to prevent Inconvenience; and if the one be granted, that Tithes are an innovated Popish Exaction and Oppression; and neither due by Law of God or Man, such Considerations as these ought not to obstruct the Removal of so heavy a Grievance and Oppression, but that which is just ought to be done, which is a general Good to the whole Body, and almost every individual Member; and then such Parts as are found grieved, may be afterwards eased and relieved; and though all these should in some measure suffer, it were but just, seeing their Compliance with the Oppressor, hath brought such a general Yoke and Burden upon the whole Body, and now they are become the only Obstructions of the general Easement and publick Freedom.

And yet a few Words I shall answer to every one, and first to the State, which complains of a great Loss by taking away First-fruits and Tents, which are paid out of Tithes.

When the Pope had established the Payment of Jerom in Tithes, and set up a new Hierarchy, after the Pattern of the Jewish Priesthood, he took upon himself to be Successor to the Jewish High-Priest, and claimed

Ezek. ch. 44. v. 28, &c.

claimed Tents from all his inferior Priests, *jure divino*; and in Proces of Time he got to himself, by the like Colour, First-fruits also; and though it was long e'er he brought his Work to pass in *England*, yet at last it was effected: You may by these following Instances know, how much our *English* Nation struggled against them.

2 Ed. The King forbad H. P. the Pope's Nuncio, to collect First-fruits.  
2. Rol.

Claus. M. The Pope's Collector was willed no longer to gather the First-fruits, it being a very Novelty, and no Person was any longer to pay them.

4 Par. 1 Ri. The Commons petition, that Provision may be made  
2. Nu. 66. against the Pope's Collectors for levying of First-fruits.

Rol. Parl. The King in Parliament answers, There shall be  
4. R. 2. granted a Prohibition in all such Cases, where the  
Nu. 50. Pope's Collectors shall attempt any such Novelties.

Rol. Parl. Upon Complaint made by the Commons in Parliament, the King willeth that Prohibitions be granted to  
6. R. 2. Nu. 50. the Pope's Collectors, for receiving of First-fruits.

6. H. 4. First-fruits, by Archbishops and Bishops to the Pope, were termed an horrible Mischief, and damnable Custom.

Rol. Parl. The Pope's Collectors were required from thenceforth  
9. H. 4. N. 43. not to levy any Money within the Realm, for First-fruits.

The Pope thus claiming First-fruits and Tents as annexed to his Chair, Successor to the *Archibishop*, High-Priest, and Head of the Church, continued to collect them, till H. the 8th, discontented with the Pope, though himself was a *Papist*, renounceth the Pope's Supremacy, and assumes it to himself; and by Act of Parliament in the 26th Year of his Reign, got First-fruits and Tents annexed to his Crown, as Head of the Church; and so himself became worse than the Pope, taking the Wages, but not doing the Pope's Work: And that which before  
by

by Parliaments, in the Height of *Popery*, was declared as a damnable Custom, was now, in the Beginning of Reformation, made a Foundation-Stone to support the Greatness of the new made Head.

Afterwards, Queen *Mary*, not daring to assume the Headship of the Church, did relinquish, and by Act of Parliament, wholly took away First-fruits and Tents, she doing no Work to deserve such Wages. And what a Shame is this to our Nation, and our great Professions, after so long Talk of Reformation, now to plead for such Wages of Unrighteousness, first exacted by the Pope, and then by such as assumed to themselves the Stile of Head of the Church, who upon that very Account had them annexed to the Crown? And shall we now, who pretend to have cast off the Pope, and left the Headship of the Church to *Christ*, (worse-like than Queen *Mary*) uphold such wicked Oppressions, which are the Ground of a great Part of good Mens Sufferings for Tithes this Day? For the Pretence of paying Tents is the Ground of the many Suits for Tithes in the *Exchequer*, where otherwise by Law they could not, nor ought to be recovered. And as to the *publick Revenue*, I am informed they add not much thereunto, but all, or a great Part of them, are given in Augmentations to Priests, who, no doubt, will receive them without Scruple; though I know, many of them, not long since, did complain against them as a *Popish Oppression*. But take away Tithes, and there are as many Glebe Lands will fall to the *State*, as will fully make up that Loss, which they may as well take away, as their Predecessors did the Revenues of Abbeys and Monasteries; and when the People are eased of Tithes, they will be better able, and more willing, to enlarge the *publick Treasury*, if it be found wanting.

But

But it's hoped, our State rather looks at the Freedom of the People, than the Increase of the Revenue ; seeing so lately they took away the Profits of the Court of *Wards*, which was a much better and greater Income, and granted many great Men such Freedom for nothing, as they could neither in Right claim, nor in Reason expect, without a very great Sum, their Estates being given to them to hold by such Services ; and surely, they will not deny the poorer Sort of People their own and dear bought Increase.

Secondly, *To Impropiators, and such as have more lately bought Titho-Rents.*

And to these I say, though it be a general Rule, *Caveat Empor*, yet seeing the Ignorance of former Days (but peeping out of *Papery*) did take it for granted (both Buyer and Seller) that the Title was good ; and since the Purchasers did pay great Sums of Money for them to the *State*, which went to the bearing and defraying the publick Charge of the Nation, it is just, that they have a moderate Price for them, with which I believe most (if not all) of them, would be well pleased and content ; only in the Estimate of that Rate they must consider, that they have bought no more, but what the *Abbey*, *Monastery*, or other dissolved House had ; and these Houses, out of their appropriate Tithes, were to find a sufficient Priest or Curate, Canonically instituted, which was to have Allowance at the Discretion of the Bishop of the Diocese, and also a convenient Portion of the Tithe was to be set apart for the Yearly Maintenance of the Poor of the Parish for ever, as is provided by divers Acts of Parliament. And after the Dissolution and Sale of Tithes, the like Charge was, and ought to be continued upon them, as at large is proved in a Treatise

Treatise, called *The poor Vicar's Plea*; and let but such Purchasers look to their original Grants, and they shall find, that the Yearly Value was but little, and the Rate small after which they paid for them; and in regard of the Charges and Hazards upon them, they were seldom, or never, esteemed more worth than ten Years Purchase, and that Rate, at an indifferent Yearly Value, may well be accepted for them.

This Answer will please the Impropropriator well, who hath not been without his Fears to lose his Tithes, and get little or nothing for them; and it cannot much displease others, because it is equal and just, that seeing he cannot have what is bought, he have his Money returned without Loss.

But the great Difficulty seemeth the raising of so great a Sum of Money, and who shall pay it? For first, there are many who plead, *Our Lands are wholly Tithe-free*: Others say, *we pay a Rate, or small Prescription-Rent; or have a modus decimandi, and our Tithe is very small, though our Lands be of good Value*. Others say, *We have converted our Lands into Pastures, and pay little Tithe*; and therefore it seems not equal, that we should pay as much as those, whose Lands consist of Tillage, whose Tithes are often as much worth as the Land.

I answer, That the raising of this Sum, is not to follow the Rate of Tithe, nor hath it any relation to Tithe; for if it had, many would as justly scruple the Payment of any Thing towards it, as they do the Payment of Tithes; but the Case must be thus consider'd: At the Dissolution, Tithes of Abbeys, Monasteries, &c. were taken into the Hand of the State, they sold them, and the Money raised, went to the defraying and carrying on the great Charge then upon the Nation, as it was of late in our Days, when Tithe-Rents were sold; and at that Day, there were Wars with France and

and *Scotland*, and many great Exigences of *State*; as the Statutes for the Ground of the Dissolution shew: And in the Service and Use of these Moneys, the whole Nation, and every Man therein, had his Share, and so far as those Moneys went, the People were spared, as the Case was with us of late; and so he that had Land Tithe-free, and he that paid only a small Rate for Tithes, and he that had Pastures and no Tillage, all these shared in the Sum, yea, and the very Impropriator himself, and not according to the Proportion of Tithing, but according to the Value of their Estates in Lands or Goods, by which they had been otherwise chargeable: And so the Impropriator depositing so much Money upon a Pledge, the one being required, the other must be returned, and by a general Tax it must be raised, wherein every one must bear his Proportion, the very Impropriator himself.

But then in comes he that bought the Lands of *Abbeys*, &c. which, he saith, *The Pope had made Tithe-free, and that when he bought his Land, he also paid for the Tithe, and so he must either be freed from paying to the Impropriator, or must have his Money returned as well as be.*

*I answer*, Though there are many such Purchasers, yet I believe, to the freeing the Nation from this great and long continued Oppression, they, or most part of them, would be content to contribute without any such Demand. But if any stand upon it, let him shew *what he paid for his Tithe*; and he shall have it, which was not a Penny; for, search the Court of Augmentations, and it will be found, that there was not in the Value of Land, the least Difference made between Tithe-free, and that which paid Tithes; as there was not of late, in the Sale of Bishops, and Dean and Chapters

Chapters-Lands, many of which also were as much Tithe-free ; and so if they bought Land Tithe-free, as cheap as if they had paid Tithes ; they have had Profit enough, and may now well afford to pay with their Neighbours.

Thirdly, *To Parish Ministers.*

And with these I desire a little to expostulate the Matter, first, as touching the *End of their Work* ; and secondly, as to the *Way of their Maintenance*. Their Work, as they pretend, is to preach the Gospel, and to propagate Religion. Now I would ask them, why they suffer (not only so many Villages, Country-Towns, and Parishes, but) even great and populous Cities and Market-Towns, and whole Corners of Countries, to lie destitute, who never could get any other Minister, than a poor Vicar or Reading Curate ; they will presently answer me, *there is no Maintenance*, and *without that they cannot live*. If I ask them farther, why there is no Maintenance ? They will tell me, It is either a City or Market-Town, to which there belongs no Land, and so no Tithes ; or it is an Impropriation, and pays only a small Stipend ; or the Lands are Tithe-free, or claim Customs and Prescriptions, and only pay small Rates for Tithes ; or otherwife the People have converted their arable Lands into Pastures, and their Tithe is of small Value, and will not afford a Maintenance. I would yet ask them again, Is not a third Part of the Nation in this Condition ? And must they never have an able Minister ? Have they no Share in your Gospel, because they have no Maintenance ? Are none of you called to such Places ? Or hath Christ no Seed of Election amongst them ? If this be not your Doctrine, yet your Practice preacheth it. And if you were really for spreading your Gospel, and enlarging

## The Great Ease of Tithes, &c.

larging Profession, you would forthwith throw away Tithes ; for so long as they continue, there can never be any Possibility of raising Maintenance in such Places.

And secondly, as to their Maintenance, is there any Indifferency, Equality, Proportion or Justice, in their present Way of Tithing ? One Man pleads he is to pay nothing to a Minister, because the Pope hath given him a Dispensation, and made his Land Tithe-free. Another Man saith, he hath a Prescription to pay but a Penny (it may be) for the Value of a Shilling. Another saith, he hath converted his Lands into Pastures, and hath by his Antifice so ordered it, that little is due for Tithes. Another saith, he dwells in a City or Market-Town, and hath no Land, tho' it's like he gains more by Trade, than ten poor Country-men that pay Tithes, do by their Lands. Another saith, he pays Tithes to an Impropiator, and he cannot afford to pay both him and a Minister. Is this your equal Way of Maintenance, so long upheld and pleaded for ? And have you not a more righteous Rule ? The Rich generally pay little, and the poor Husbandman bears the Burden, even he that supplices the Nation with the Staff of Bread, who is notwithstanding at more Charge in his Husbandry than any other ; and out of the Tithe of such Country Parishes of Tillage, generally great Sums are paid for Augmentations, to Cities and Market-Towns, when the Inhabitants, that have far greater Gains by Trading, go free. For shame, at length follow the Example of your neighbouring Reformed Churches, and throw away Tithes as an old Relick of Popery, and no longer halt between two, and betake yourselves to a more Gospel-like Way of Maintenance ; for Light now breaks forth, and Preences will no longer cover.

It's like you will answer, We confess, the present Way of Maintenance by Tithes is very unequal, unless the whole Nation could be brought to give all their Customs and Prescriptions, and pay Tithe in Kind; and also all Merchants and Tradesmen would pay the tenth Part of their Gains, as was by the Pope enjoined, but that will never be done, and therefore it's better to hold same, than loose all; for we know not what better Way would be provided: But show us, how we may have a comfortable and certain Maintenance, and more like the Gospel, and we shall most willingly quit the one, and embrace the other.

To this I answer, That there is a Way, which as it would establish the Nation upon a sure Foundation of true Freedom (as to the Conscience) giving Content to all separated Congregations, Societies and Persons; so would it upon the same Basis of Liberty, hold forth full Satisfaction to all People of the Nation, both as to Ministry and Maintenance, and would be as acceptable to every one, as the taking away Tithes. But I have said enough at once, and when this is a little digested, the other will be more fit to be proposed.

Only to such as fear Confusion, or Trouble, or Loss to the Nation, by taking away Tithes, I would say a few Words: Do but look into almost every Country-Town, and there shall you find Debate, Strife and Variance, either between Man and Man, or between Parishes and their Ministers, either about Tithe itself, the Quantity, or the setting it out; look into Courts, and there you shall find Suit upon Suit; and at Assizes, and before Justices of Peace, Multitudes of Trials and Judgments about them: Look into Prisons, and there you shall find not a few restrained, and lying under great Oppressions, because they cannot pay them: And these Suits and Troubles are daily increasing,

and the Number of those that will not pay them, and these are no small Confusions in our State ; for it is evident, there are more Suits, and Strife, and Difference about Tithes, than any one Thing whatsoever in the Nation ; and how soon might all these be ended, and every one satisfied, by *taking away Tithes* ? And then do but look upon the many Moors, Commons and Waftes, in the Nation, amounting to a full third Part of the whole, as hath been computed, to the many great Pastures and Meadows decayed for want of Tillage, to the many Countries which are turned into Pastures and Meadows, because of the great Charge of Tillage, Husbandry, and the unreasonable Payment of a clear tenth Part, which in most Places is half the Profit ; and it will be found, nothing does so much hinder the Improvement of the Nation, which would ease the publick Burdens, and would soon be of more Advantage than First-fruits and Tents. Nothing so much hinders Tillage, which often puts the Nation upon Hazard of Ruin, and forceth us to seek Bread out of other Countries at immoderate Rates ; wheras this Nation is generally so fit for Corn, that it might be as a rich Granary, not only for our own Supply, but Relief of our Neighbours when they want. I might say a great deal more upon this Subject, but much to this Purpose hath been said by others, and therefore I shall conclude.

*And let no Man henceforth think it strange, that any should refuse to pay Tithes ; but rather wonder, that any will do it.*

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THE  
APPENDIX.  

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AN  
ACCOUNT  
OF  
TITHES  
In GENERAL.

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By THOMAS ELLWOOD.

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THE only Command from God, that we  
read of in Holy Scripture, for the Pay-  
ment of Tithes, was given by *Moses*, to the  
People of *Israel*, in the Time of the *Levitical*  
Law. Then God first reserved to himself the Tithe  
of the Land of *Canaan*, *Lev.* xxvii. 30. which he  
did for this reason, that, intending to take the  
Tribe of *Levi* more peculiarly into his Service (as  
he did, *Numb.* iii. 6. instead of, or in Exchange  
for all the First-born of *Israel*, Ver. 12, 13, and  
45. and *Chap.* viii. Ver. 18. Having before re-  
served and appropriated the First-born to himself,  
*Exod.* xiii. 2.) he might bestow those Tithes on

the Levites, for and towards the Maintenance of that whole Tribe, as a Reward for their Service in the Tabernacle of the Congregation, *Numb. xviii. 21, 31.* and in lieu of, and Compensation for, their Part or Share of and in the Land of Canaan, which theropon they were expressly cut off from, *Ver. 20, 23, 24.*

2. Now although it was grounded on a Principle of moral Justice and Equity, that the Levites, thus engaged in a continual Attendance on a publick Service, and shut out from their Share in the Inheritance of the promised Land, should receive a sufficient Maintenance from them for whom they performed that Service, and who enjoyed their Part of the Land: Yet the ascertaining of the Quota of that Maintenance to the exact Proportion of a ~~third~~ Part of the Inheritance of the Land, was not grounded on moral Justice, but had its Dependance on the Ceremonial Law, adapted and limited to the Polity of that Dispensation and People only. And that it might not be extended beyond its appointed Time and Bounds, it pleased the Divine Wisdom, to subject it to such Ceremonial Circumstances, as plainly rank it amongst those carnal Ordinances (Rites or Ceremonies) which were imposed but till the Time of *Reformation*, spoken of *Heb. ix. 10.* For as God appointed the Levites to be offered for a *Whole Offering* by *Moses*, in the Name and on the Behalf of the Children of *Israel*, when he said to *Moses*, *Thou shalt bring the Levites to the Tabernacle of the Congregation, and thou shalt gather the whole Assembly of the Children of Israel together; and thou shalt bring the Levites before the Lord, and the Children of Israel shall put their Hands upon the Levites: And Aaron shall offer (in the Margin Wave) the Levites before the Lord, for an Offering (in the Margin Wave Offering)*

(Offering) of the Children of Israel, that they may execute the Service of the Lord, Numb. viii. 9, 10, 11. So the Tithes, which were assigned for the Maintenance of the Levites, were to be first offered, by the People, as an Heave-Offering unto the Lord. (The Tithes of the Children of Israel, which they offer as an Heave-Offering unto the Lord, I have given to the Levites, &c. Numb. xviii. 24.) And even the Tithe of these Tithes, which the Levites were to yield unto the Priests, were to be offered by the Levites, as an Heave-Offering to the Lord, before the Priests might have them. Thus speak unto the Levites, (said God to Moses) and say unto them, When ye take of the Children of Israel the Tithe which I have given you from them for your Inheritance; then ye shall offer up an Heave-Offering of it for the Lord, even a tenth Part of the Tithe. And this your Heave-Offering shall be reckoned unto you, as also it were the Corn of the Threshing-floor, &c. But ye also shall offer an Heave-Offering unto the Lord, of all your Tithes, which ye receive of the Children of Israel: And ye shall give thereof of the Lord's Heave-Offering to Aaron the Priest, Ver. 26, 27, 28. This makes it evident, beyond doubtless, that the Tithes which were given by the People to the Levites, and by the Levites to the Priests, under the Law, had their Dependence on the Ceremonial Law, as that Priesthood had; and were to stand no longer than that Law and that Priesthood stood: Which was but till Christ came, and by the Offering of himself once for all, had put an End to all the shadowy Offerings under that Law.

33 This the Author of the Epistle to the Hebrews did so well understand, that he positively declared, that the Levitical Priesthood, being changed, there was made of Necessity a Change also

of the Law, (of that Law, by which that Priesthood and the Maintenance of it had stood) See Heb. vii. 12. And 'tis also evident from Scripture and primitive Antiquity, that neither the Apostles themselves, nor (for some Ages after them) any of the Christians did meddle with, or at all concern themselves about Tithes; but let them totally fall, as they did the other abrogated Part, viz. Offerings, &c. and of the Ceremonial Law of Moses.

4. But after that the Mystery of Iniquity, which in the Apostles Time began to work (2 Thess. ii. 7.) had wrought to that Degree amongst some Christians, and had drawn them so far from the Purity and Simplicity of the Gospel, as to form and model the Church in many Things, by and according to the Jewish Pattern amongst other Ceremonial Parts of the Jewish Religion, which had been abolished by the Coming and Death of Christ, Tithes were preached up again (about the Latter-end of the fourth Century, and Beginning of the fifth) by some, at first, under the Notion of Alms and Charity (because Part of the Tithes under the Levitical Law were appointed for the Maintenance of the Fatherless, the Widow, and the Stranger, Deut. xiv. 28, 29.) and by others, as then still due by the Mosaic Law, which had required them to be paid to the Levitical Priesthood. Which Plea afterwards (Corruptions increasing in the Church, and in those especially who were called the Churchmen, or Clergy) more and more prevailing, the Payment of Tithes was re-introduced, as due by those Levitical Laws, which had been given to the Israelites of old. And upon that Bottom Tithes have stood, been claimed, and the Claim defended unto this Day.

Now

Now, not only he that thus claims and receives Tithes ; but he that consents to, and complies with such Claim, by paying Tithes thus brought in, and thus claimed, doth thereby implicitly, and virtually (at least) deny that *Christ* has put an End to the Ceremonial Law of *Moses*, and consequently that he is come, and hath suffered in his Flesh for Mankind. And that this may appear as plain as is possible, I shall draw the Matter into an Argument, thus :

To uphold any Thing, as still in Force, which was to be taken away, and cease at and by the Death of *Christ*, is to deny that *Christ* is come, and hath suffered in his Flesh for Mankind.

But to receive, or pay Tithes now, is to uphold a Thing, as still in Force, which was to be taken away, and cease at and by the Death of *Christ* :

Therefore to receive, or pay Tithes now, is to deny that *Christ* is come, and hath suffered in his Flesh for Mankind.

The *Major* must be granted, and the *Minor* I thus prove.

Whatsoever was a Part of the Ceremonial Law of *Moses*, was to be taken away, and cease at and by the Death of *Christ* ;

But Tithes were a Part of the Ceremonial Law of *Moses* ;

Therefore Tithes were to be taken away, and cease at and by the Death of *Christ* ;

The *Major* here again is unexceptionable ; and the *Minor* is thus proved :

Every Heave-Offering among the Jews was a Part of the Ceremonial Law of *Moses* ;

But Tithes were an Heave-Offering among the Jews, Numb. xviii. 24.

Therefore

6. Therefore Tithes were a Part of the Ceremonial Law of Moses.

6. By this it appears, that without Regard had of the Person to whom, or the Use for which Tithes are paid, the paying of Tithes (as well as the receiving them) being a Part of the abrogated Ceremonial Law of Moses, imports a Denial of the Coming and Death of Christ. Hence it is, that Tithes have been, and are commonly called *Antichristian*, or *against Christ*. And hence hath arisen that Saying (often used not only by our ancient Friends, but by some of the Martyrs long before) *viz. He that pays Tithes, doth thereby deny that Christ is come in the Flesh*. That Conclusion could not have been drawn, from the paying of Tithes to a wrong Ministry, or for a wrong Use only, though such Payment be evil: Nor could any Thing justify that Inference, but the Consideration that Tithes, depending on the Ceremonial Law of Moses, which must of necessity and in course fall, and cease when Christ suffered; the paying of Tithes carries in it a Supposal, that that Law is not yet eased, but is still in Force: And consequently that Christ, whose Death must needs have ended it, is not yet come, nor has yet suffered in his Flesh for Mankind.

7. That other Objection, not less weighty than common against paying Tithes to the Clergy, so called, *viz. The Unlawfulness of upholding a false Ministry, to perform a false Worship* (being itself so clear and plain, that it needs no Illustration) I shall, in this Discourse, no farther meddle with, than to observe in my way, how far it may affect those Tithes also, which the *Impropriators* claim. Wherefore having premised what is said before concerning Tithes in general, to what Hand, or for what Use soever paid, let us now inquire into those Tithes, which are called *Impropriate*.

O F

IMPROPRIATE TITHES.

1. THAT these Tithes, which are claimed by the Impropriators, are of the same Nature, and stand originally on the same Root and Ground, on which the other Tithes stand, which are claimed and exacted by the Priests, is evident from hence, that they were all heretofore, these as well as those, claimed by, and paid to some or other of the *Romish* Clergy, or their Appendices, the religious Orders, so called, and upon the same Foot. That is, These Improper Tithes were paid to those religious Orders or Houses, as being due to God, by Virtue of the *Levitic* Law; as well as the other Tithes were paid to the Parish-Priests, on the same supposed Right, from the same Law. But how these Tithes came to those religious Houses first, and how afterwards from them to the Impropriators, is next to be inquired.

2. Until the *Lataren* Council, (so named, because it was holden in the Pope's Palace at *Rome*, called the *Lataren*) in the Year 1215, it was in the Choice of every Man to give his Tithes to what Church he pleased, so he gave them to some Church. And even after that Council, the Popes, as Heads of that Church, by their dispensing Power, did give leave to such as would sue, and pay for it, to give their Tithes from the Parish-Priest, to such Order of religious People (whether Monks, Friars, or Nuns) as they were best affected to. By which means, the Parish-Priests (called *Seculars*) and those of the several religious

religious Orders (called by a general Title, *Regulars*) being left to scramble as they could, for Maintenance, the *Regulars* (mendicant Friars, and others) swarming in all Places, and pretending, at least, to greater Sanctity, and Austerity of Life, than the Parish-Priests, prevailed with the People, either living or dying, to give not only very considerable Estates in Lands, but also the Tithes of other Lands, and of whole Parishes, from the Parish-Priests, to their religious Houses or Convents.

3. The Tithes, or Parsonages, so given, were then called *Appropriations*, because they were appropriated to this, that, or the other religious House or Convent. And I have read, that there were in *England* about 3845 Parsonages thus appropriated. And as Tithes were then held to be *due to God and holy Church*; and those religious Orders were reputed a Part of that Church; So the Tithes as well as the Lands thus given them, were continued to them, and possessed by them, till that general Storm arose, in K. *Henry* 8. his Time, which overturned those religious Houses and Orders together. And here, by the way, it may be noted, That while those religious Houses stood, a great Part of the Lands which had been given to them, were, by Papal Authority exempted from paying Tithes: Whence it is, that many of those Estates, which had belonged to those religious Houses, remain discharged from the Burthen of Tithes still.

4. As Tithes were set up here on the Authority of the *Levitic* Law, and in Imitation of the *Jewish* Practice, consonant to that Law: So while those religious Houses stood, and the Pope's Power prevailed here, not only the *Seculars*, or *Parish-Priests*, but all those *Regulars* who received Tithes, were bound to pay the Tenth out of the Tithes

• Tithes they received to the Head of their Church,  
• the Pope, as the *Levites*, under the Ceremonial  
• Law, were required to do to the Priests.

• 5. But after that K. Hen. 8. (upon a Quarrel  
• between the Pope and him, about his Divorce  
• from his first Queen *Katherine*, which he earnestly  
• desired, and the Pope would not grant) fell off  
• from the Pope, (though not from *Papacy* : For  
• after that, he retained the most pernicious Doc-  
• trines of the *Romish Church*, contained in the six  
• Articles, and burnt some for denying them) he  
• threw off the Pope's Supremacy here, and assumed  
• it to himself ; declaring himself, and being de-  
• clared, first by the Clergy in their Convocation,  
• and soon after by Lords and Commons in Parlia-  
• ment, *The only supream Head in Earth of the*  
• *Church of England*. This was done by the Statute  
• of 26 Hen. 8. c. 1. And therein it is enacted,  
• *That the King, his Heirs and Successors, Kings of*  
• *this Realm, shall be taken, accepted and reputed*  
• *the only supream Head in Earth of the Church of*  
• *England. And shall have and enjoy, annexed and*  
• *united to the Imperial Crown of this Realm, as well*  
• *the Title and Stile thereof, as all Honours, Digni-*  
• *ties, Pre-eminences, Jurisdictions, Privileges, Au-*  
• *thorities, Immunities, Profits and Commodities to the*  
• *said Dignity of supream Head of the same Church be-*  
• *longing and appertaining. And shall have full Power*  
• *and Authority, from time to time, to visit, repress,*  
• *redress, reform, order, correct, restrain and amend*  
• *all such Errors, Heresies, Abuses, Offences, Con-*  
• *tempts and Enormities whatsoever they be, which by*  
• *any manner of spiritual Authority and Jurisdiction*  
• *ought, or may lawfully be reformed, repressed, or*  
• *dered, redressed, corrected, restrained or amended,*  
• &c. By which it is evident, the Intention of the  
• Parliament then was to transfer, confer and settle  
• unto and upon K. Henry all the Powers, Profits and  
• Privileges,

- Privileges, which had been before supposed to be
- in, or belong to, or had been enjoyed or exercised
- by the Pope, while he was received as *supream Head of the Church*.
- 6. And therefore, as the Pope, while he retained, the Supremacy here, had the First-fruits (which are the Profits of every Spiritual or Ecclesiastical Living for one Year) upon the advancing of any Ecclesiastical Person to such a Living, and also the Tents, that is, the tenth Part of all the Tithes: So these two Revenues, as appendant to that Supremacy, followed it; being settled on the King, in the same Session of Parliament, wherein the Supremacy was vested in him.
- The Words of the Statute, 26 H. 8. c. 3. relating to the First-fruits, are these. *That for the more surety of Continuance and Augmentation of his Highness Royal Estate, being not only now recognized (as he always indeed hath heretofore been) the only supream Head in Earth, next and immediately under God, of the Church of England, but also their most assured and undoubted natural Sovereign Liege, Lord and King, &c. It may therefore be enacted and ordained by, &c. That the King's Highness, his Heirs and Successors, Kings of this Realm, shall have and enjoy from time to time, to endure for ever, of every such Person and Persons, which at any Time after the first Day of January next shall be nominated, elected, perfected, presented, collated, or by any other means appointed to have any Archbischoprick, Abbacy, Monastery, Priory, College, Hospital, Archdeaconry, Deanry, Provostship, Prebend, Parsonage, Vicarage, Chantry, Free-Chapel, or other Dignity, Benefice, Office, or Promotion Spiritual, within this Realm, or elsewhere within any of the King's Dominions, of what Name, Nature, or Quality soever they be, or to whose Foundation, Patronage, or Gift soever they belong,*
- the

the First-fruits, Revenues and Profits for one Year  
of every such Archbiskoprick, Biskoprick, Abby,  
Monastery, Priory, Parsonage, Vicarage, &c.  
Then (after Provisions made for finding out the  
Value of those Spiritual Livings, and for paying,  
receiving, and recovering those First-fruits) the  
Settlement of the Tenth (that other part of the  
Pope's Revenue) upon the King, follows, in the  
same Statute in these Words.

‘ And over this, be it enacted by Authority aforesaid, that the King's Majesty, his Heirs and Successors, Kings of this Realm, for more Augmentation and Maintenance of the Royal Estate of his Imperial Crown, and Dignity of supreme Head of the Church of England, shall Yearly have, take, enjoy and receive, united and knit to his Imperial Crown for ever, one Yearly Rent or Pension, amounting to the Value of the tenth Part of all the Revenues, Rents, Farms, Tithes, Offerings, Emoluments, and of all other Profits, as well called Spiritual as Temporal, now appertaining or belonging, or that hereafter shall belong to any Archbiskoprick, Biskoprick, Abby, Monastery, Priory, Archdeaconry, Deanry, Hospital, College, House-Collegiate, Prebend, Cathederal-Church, Collegiate-Church, Conventual-Church, Parsonage, Vicarage, Chantry, Free-Chapel, or other Benefice or Promotion Spiritual, of what Name, Nature, or Quality soever they be, within any Diocese of this Realm, or in Wales, &c. And so goes on to direct the Time, Place and Manner of Payment of these Tenth, with the Penalty for Non-payment.

‘ 7. Thus were these two great Pillars of Papal Supremacy (First-fruits and Tenth) transfer'd from the Pope, (the old Head) to the King, (the new Head of the Church,) to support and maintain that Headship in him, as they had done before in the Pope. Which Ecclesiastical Headship the King

• King was no sooner possessed of, than he began  
 • to exercise it amongst those religious Orders, sup-  
 • pressing (as *Herbert*, in his Life, p. 379, relates)  
 • the Observant Friars at Greenwich, Canterbury,  
 • *Richmond*, and other Places, and substituting the  
 • Augustines in their Places. *Which he did* (says  
 • *Herbert* there) *for the finding out how his People*  
 • *would take his Design of putting down religious*  
 • *Houses*: To which he proceeded the next Year,  
 • beginning with the lesser Sort, and suppressing all  
 • those Monasteries, Priories, and other religious  
 • Houses of Monks, Canons, and Nuns, which had  
 • not in Lands, Tenements, Rents, Tithes, Por-  
 • tions and other Hereditaments, above the clear  
 • Yearly Value of two Hundred Pounds. *By*  
 • *which means 376 of those religious Houses being*  
 • *dissolved, a Revenue of above thirty Thousand*  
 • *Pounds a Year, besides an hundred Thousand*  
 • *Pounds in Money raised by Sale, at low Rates,*  
 • *of the Goods and Chattels, of those Houses (a*  
 • *Sum not small in that Age) came to the King,*  
 • *for Support of his Ecclesiastical Supremacy.*

• 8. The Statute, which countenanced this Proceed-  
 • ing, is the 27 of Hen. 8. cap. 28. And a new Court,  
 • called the *Court of Augmentations*, was then erected  
 • and settled by Parliament, for receiving and or-  
 • dering these new accessional Revenues: The Act  
 • for which, in our printed Statute-books, is set before  
 • that for the Suppression of those lesser Monasteries.  
 • But though that, for suppressing those Monasteries,  
 • be, by an *Hysterosis*, set after that for establishing  
 • the *Court of Augmentations*; yet it must have been  
 • made before it; for it is recited in it.

• 9. In that Statute, 27 Hen. 8. c. 28. for sup-  
 • pressing those smaller Monasteries, mention is  
 • made of Monasteries, Abbeys and Priories, which,  
 • within one Year before the making of that Sta-  
 • tute, had been given and granted to the King  
 • by any Abbot, Prior, Abbes or Piores, under  
 • their

under their Convent-Seal, or that otherwise had been suppressed, or dissolved. All which were, by that Statute confirmed to the King, and to all those, unto whom the King either then before had conveyed, or then after should convey any Part or Parts thereof ; To hold to them in like Manner, Form and Conditions, as the Abbots, Priors, Abbesses, Prioreesses, and other chief Governours of any religious Houses, which had the same, might or ought to have had if they had not been suppressed. For upon the King's falling (as was noted before) upon the Observant Friars at Greenwich, and other Places, some of the more considerate of the Abbots, Priors, &c. seeing the Storm arising, which then threatned, and soon after brought Destruction on those Orders, thought it better Policy to comply with the Times, and surrender upon Terms, in hopes to save something, than hold out to the last, as many did, and lose all.

10. And indeed, the suppressing of those 376 lesser Monasteries, struck so great a Fear into the greater, that the Statute made four Years after (31 Hen. 8. cap 13.) whereby the rest of the religious Houses were given to the King, recites, *That divers and sundry Abbots, &c. of their own free and voluntary Mind, since the fourth of Feb. in the 27 of his Reign, had by due Order of Law, and by their sufficient Writings of Record, under their Convent and Common Seals, severally given, granted, and confirmed to the King, his Heirs and Successors for ever, all their said Monasteries, Abbeys, Priories, &c. and all the Manours, Lordships, Lands, Tenements, Tithes, &c. to them belonging ; and had voluntarily renounced, left and forsaken the same.* And therefore, in the said Statute it is enacted, *That the King shall have, hold, &c. all such late Monasteries, &c. and all the Sites,*

' Circuits, Manours, Lands, Tenements, &c. there-  
 ' unto belonging. In the Enumeration of the Par-  
 ' ticulars whereof, (which are many) Tithes, Par-  
 ' sonages, Appropriate, and Vicarages are expressly  
 ' mentioned. All which (as likewise all other reli-  
 ' gious Houses, with the Revenues thereof, which  
 ' should there-after be dissolved, suppressed, relin-  
 ' quished, forfeited, or given to the King, and  
 ' which by that Statute are settled on him) he  
 ' was to hold and enjoy, in as large and ample  
 ' Manner and Form, as the late Abbots, &c. had  
 ' held, or of Right ought to have held the same,  
 ' in Right of their said late Monasteries, &c.

' 11. From hence this Observation arises. That  
 ' since those religious Orders did hold the Tithes  
 ' which they possessed, upon the supposed Right of  
 ' their being *due to God and Holy Church*; which  
 ' they held themselves, and were by others holden  
 ' to be a Part of; and the King received those  
 ' Tithes and Parsonages (amongst the rest of the  
 ' Revenues of the religious Houses) as well those  
 ' that were resigned to him by the Governours of  
 ' those Houses themselves, as the rest which by A&T  
 ' of Parliament he took, upon the same Right on  
 ' which those religious Orders had holden them.  
 ' He, also must hold them upon that supposed  
 ' Right of their being *due to God and Holy Church*;  
 ' which he then held himself, and was holden by  
 ' all, both Clergy and Laity, to be the only *Su-*  
 ' *pream Head of here in England*. And as upon  
 ' that supposed Right (of their being *due to God*  
 ' *and Holy Church*) on which the religious Houses  
 ' held them, they passed them from those Houses  
 ' to the King, as *Supream Head of the Church*: So  
 ' on the same supposed Right (of their being *due*  
 ' *to God and Holy Church*) they passed from the  
 ' King, as *Supream Head of the Church*, to those  
 ' (whether Spiritual or Lay-Persons) unto whom the  
 ' King

King granted them. For they stuck not long in the King's Hand ; but he, of his own meer Motion, Liberality and Benignity (as the Statute in the 33d Year of his Reign, cap. 39. relates) had by that Time freely given and granted, &c. unto divers and sundry of the Lords and Noblēs, as well Spiritual as Temporal, and unto divers and many other Persons and Bodies-politick, &c. divers and many sundry Honours, Castles, Manours, Lands, Tenements, and among the rest, *Rectories*, &c.

12. But great Care was taken to retain and keep up the Character of *Spirituality*, which had formerly been stamped upon those *Rectories*, *Parsonages*, and other Revenues by Tithes, into what Hands soever they were passed. And therefore, by the Statute of 32 Hen. 8. cap. 7. in case of with-holding, or denying to pay the Tithes, all Persons claiming them (*Proprietors* as well as *Priests*) are restrained from suing in the Temporal Courts, and limited to the Ecclesiastical or Spiritual Courts only, for the Recovery of them.

13. And that they might still have Dependence upon the *Supremacy*, Care was taken, from the first, by the Statute of 27 Hen. 8. cap. 27. That none of these Estates, which then had come, or should come, from any of those religious Houses to the King, should pass from him by Grant to any Person whatsoever, without an express Reservation of a Tenth. And in a subsequent Statute (33 Hen. 8. cap. 39.) Complaint being made, that although out of those Grants, which the King had made to sundry Persons, of Honours, Castles, Manours, Lands, Tenements, Rectories, &c. (which were under the Survey of the *Court of Augmentations*) the Tenth had been reserved ; yet the Persons unto whom such Grants had been made, though they had quietly enjoyed

and taken the Issues and Profits of those Lands, Rectories, &c. had not paid the reserved Tents to the King : Provision was made in that Statute, by several *Forfeitures* and *Nomine-Pœnae*'s to enforce the Payment thereof.

Nor was Care taken of the Ecclesiastical Head (the King) only, but of the Ecclesiastical Members (the Clergy) also : Many, if not most, of which had Pensions, or Portions issuing out of those Parsonages, Rectories, or other Spiritual Benefices (as they were counted) which the religious Orders held : For, besides that upon the increasing of those Appropriations, whereby the Parish-Priests were pinch'd, there had been Provision made early, in the Time of King *Richard the Second*, for the Vicars, as well as for the Poor ; the Statute of 15 Rich. 2. c. 6. directing, *That, upon the Appropriation of such Churches, the Diocesan of the Place (or Bishop of the Diocese) shall ordain, according to the Value of such Churches, a convenient Sum of Money to be paid and distributed Yearly, of the Fruits and Profits of the same Churches, to the poor Parishioners : And also, that the Vicar be well and sufficiently endowed.* Which Statute (so far, at least, as concerned the Vicar) was afterwards confirmed by another Statute of 4 Hen. 4. cap. 12. which expressly ordains, *That the Statute of Appropriation of Churches, and of the Endowment of Vicars in the same, made the 15th Year of King Rich. the Second, be firmly holden, and put in due Execution : I say, besides these, the Statute of 34 and 35 of Hen. 8. cap. 19. takes Notice, That the Archbishops, Bishops, Archdeacons, and other Ecclesiastical Persons, of both Provinces, of Canterbury and York, having formerly, in right of their Churches received out of the late Monasteries, &c. divers Pensions, and other Profits, had after the Dissolution of those Houses,*

• Houses, been disturbed and denied of the having,  
• receiving and gathering of the said Pensions, &c.  
• Whereupon it is, in the said Statute, enacted;  
• That if any Person or Persons, being Farmer or  
• Occupier of any Manours, Lands, Tenements, Par-  
• sonages, Benefices or other Hereditaments of any of  
• the said late Monasteries, &c. by the King's Gift,  
• Grant, Sale, Exchange, or otherwise, out of which  
• any such Pensions, &c. have been heretofore law-  
• fully going, answered, or paid to any of the Arch-  
• bishops, Bishops, Archdeacons, and other Ecclesiasti-  
• cal Persons abovesaid, do, at any Time after the  
• first Day of April next coming, wilfully deny the  
• Payment thereof, Then it shall be lawful for the  
• said Archbishops, Bishops, Archdeacons, or other  
• Ecclesiastical Persons aforesaid, being so denied; to  
• be satisfied and paid thereof, &c. to proceed in the  
• Ecclesiastical Courts, for the Recovery thereof.

• 14. By which Statute, all Pensions payable to  
• Archbishops, Bishops, Archdeacons, or other  
• Ecclesiastical Persons, that had been possessed  
• thereof, at or within ten Years next before the  
• Time of the Dissolution of the Monasteries, out  
• of the Parsonages, Rectories, or Tithes holden  
• by the said Monasteries, &c. are confirmed and  
• assured to such Archbishops, Bishops, Archdea-  
• cons, and other Ecclesiastical Persons still.

• 15. So that, upon the whole, besides what  
• hath been said of Tithes in general, with respect  
• to the Judaizing, and denying of Christ, by the  
• Paying thereof (which extends alike to all Tithes,  
• those claimed by the Impropriator, as well as  
• those claimed by the Priest) the Impropriate  
• Tithes being generally charged, either with some  
• Payment to the Vicars, for enlarging of their  
• Stipends, or with Pensions to the Archbishops,  
• Bishops, Archdeacons, and other Ecclesiasticks:  
• All such of them as are so charged, come under

the same Objection, that is made against paying  
 to the Priest, *viz.* The upholding of a false  
 Ministry, to perform a false Worship. And if  
 any Impropriation may be supposed to be free  
 from all those Charges; yet all Impropriators, as  
 well as Priests, being bound to pay the reserved  
 Tents to the King, as *Supream Head of the*  
*Church* (which were wont before to be paid to  
 the Pope, while he was owned for *Head of the*  
*Church*) the paying of Tithes to an Impropriator,  
 is a recognizing, and acknowledging of a Man  
 (bad or good, *Popish* or *Protestant*, as it happens)  
 to be the only *Supream Head on Earth of the*  
*Church*. Which is to set an *Human Head* to a  
*Spiritual Body*; and to divest and deprive our  
 Lord *Jesus Christ* of his undoubted Right, who  
 the Apostle says expressly, is *the Head of the Body*,  
*the Church*, Col. i. 18. *And that not of Man's*  
*making or appointing*; but God, saith the Apostle,  
*bath given him to be the Head over all Things to the*  
*Church, which is his Body*, Eph. i. 22, 23.

In or about the Year 1646, which was before this  
 People were distinguish'd for that Tenet, or the  
 Nick-name of *Quaker* invented, several Tracts were  
 publish'd, and Remonstrances made to the Lord  
 Mayor of *London*, against the *STATES* imposing the  
 Payment of Tithes, as inconsistent with the Doc-  
 trines of the New-Testament and Principles of the  
 Reformation. Those which have been transmitted  
 down to us, are under the following Titles, *viz.*

*Tithe-Gaibers no Gospel-Officers.*

*The Indictment of Tithes of several criminal Arti-  
 cles, &c. Exhibited before the Lord Mayor of the  
 City of London, by divers Citizens.*

*A Letter to the Lord Mayor, by the Inhabitants  
 of All-Hallows, Barking Parish, London, demon-  
 strating*

strating that Tithes, in the Time of the Gospel, ought not to be paid.

*An Answer given to the Lord Mayor of the City of London, concerning Tithes, by Nicholas Waterston.*

*Reasons given by Thomas Bennet, concerning the unjust Exaction of Tithes : Addressed to Thomas Adams, Lord Mayor of the City of London.*

The last of these we shall present to the Reader as a Specimen of the whole, and to shew that the Sentiments of the People call'd *Quakers*, on this Article, were not singular, nor a Novelty.

‘ Right Honourable,

‘ W H E R E A S I have been these thirteen Times commanded before your Honour, and your Lordship’s Predecessors, for the Denial of Tithes, and now at length you have been pleased to permit me Freedom to deliver in mine *Answer* in writing : I have therefore presumed, from your Lordship’s Permission, to present your Honour with these ensuing *Reasons*.

‘ 1. *My Lord*, if Tithes under the Gospel be an Ordinance, then they must be of an Evangelical Institution, even from the Command of *Christ*, as well as other Gospel Ordinances : But we find no other Ordinance for the Exaction of Tithes now, but a bare *Mosaical* Ordinance. Therefore Tithes are no Gospel Ordinance.

‘ 2. *My Lord*, Tithes were never ordained, but for the Wages of Typical Services ; therefore to continue the Wages of such Work, cannot in Equity be without the Continuance of the Work : Which is a flat *Denial of Christ’s coming in the Flesh*.

‘ 3. *My Lord*, Those that had the Commandment for Tithes, were only to receive them of their Brethren, *Heb. vii. 5.* that is, of the other twelve Tribes ; therefore not of the *Gentiles* ;

nor were *Gentiles*, by that Command, bound thereto ; and if not in *Moses* his Time, much less now.

4. *My Lord*, They were imposed upon the Land of *Canaan*, therefore not upon *England* or *Englishmen*, being no Part of *Canaan*, or the People any of the twelve Tribes. And the *Jews* to this Day terminate the Equity of Tithes to their own Land, as *Mr. Selden*, a Member of the House of Commons, writeth in his History of Tithes.

5. *My Lord*, When the Law of Tithes was in Force, it was only of the Seed of the Ground, the Fruit of the Trees, and of four-footed Beasts, *Levit.* xxvii. 30, 32. Therefore the Tithe of our *Pullen*, as of *Goslings*, *Chickens*, &c. which have but two Feet apiece, and cannot be reputed to be of the Herd or Flock, that passeth under the Rod ; nor any Tithe of Houses, which neither grow, nor bring forth Seed, can be concluded from the Law of Tithes.

6. *My Lord*, The *Levites* paid the Tenth of their Tithes to *Aaron* the Priest, *Numb.* xviii. 26, 27, 28, 29. yea, the Fatherless, the Widow and Stranger, were ranked with the *Levite*, for the Maintenance of Tithes, *Deut.* xiv. 29. xxvi. 12. and were to eat, and to be satisfied therewith : Therefore from their Example, our Clergy unjustly exact the whole Tithes to themselves.

7. The Laity offered the First-fruits unto the Priests, in Ears of Wheat, Barley, &c. in what Quantity the Owner would, *Exod.* xxiii. 19. *Deut.* xviii. 4. Therefore from their Example, there can be no Exaction of this or that Quantity.

8. *My Lord*, they as well, from the Example of *Moses* his Priests, may take Tithe of our Children ; for the First-born, whether of Man or Beast, fell to the Priest, *Numb.* xviii. 15. So that if

if our Clergy will have those Priests to be their Example, then *every Male that first openeth the Matrix*, is due unto the Clergy. And I suppose, they would exact it, had they but Power to impose *Redemption Money* upon them, *the Value of five Shekels, after the Shekel of the Sanctuary*, which is *twenty Gerabs*, upon every First-born Male, as *Moses's Priests had*.

9. *My Lord*, When the Law of Tithes was in Force, there was no Compulsion used for them, nor did *Moses* give any Commission to the *Levites* to exact them by Force: The Lord only sent his Prophets to complain against them that did not pay them. *Mal. iii. 9, 10. Neb. xiii. 10, 11, 12.*

10. *My Lord*, The Priesthood and Commandment is changed, and one of another Tribe, even of the Tribe of *Judah*, of which *Moses* spake nothing concerning the Priesthood; no not so much as to receive Tithes, *Heb. vii. 11*. Therefore to speak that of the Ministry of our Lord, which sprung from *Judah*, which was spoken of the Tribe of *Aaron*, whereof Tithes were one main Thing, is to make our Lord to be of the Tribe of *Aaron*.

11. *My Lord*, All the Supply, which the Gospel ordaineth, is a First-day Collection, or voluntary Contribution to the Necessities of the poor Saints; *1 Cor. xvi. 2. 2 Cor. ix. 1, 5, 7.*

12. *My Lord*, An Elder of a Church cannot lay Claim to any Supply barely by Virtue of Eldership, no more than a Saint by Virtue of Saintship, but both simply as poor Saints. For Evangelical Supply was only devoted to Necessity: The poor Man's Box was the Inheritance or Portion of the poor Saints, whether Elders, or other Members.

‘ 13. It is to be acknowledged as a Gift or Courtesy, (a) 2 Cor. viii. 4. Phil. iv. 17. But to exact by Compulsion, is contrary to the Nature of Courtesy ; that were of Violence, not of Gift.

‘ 14. All that Christ ordained the Twelve, and the Seventy, which he sent out, to take, was but to eat and drink such Things as were set before them ; making that to be all his Labourers should account themselves worthy of. Luke x. 7, 8.

‘ 15. My Lord, It is unreasonable for a Shepherd to exact the Milk of that Flock, which he doth not feed ; for the Flock which he feedeth, is the Flock of whose Milk he must eat, 1 Cor. ix. 7. therefore the Clergy-Shepherds may not exact the Milk of the Flocks that are not fed by them.

‘ 16 My

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(a) As the Gospel itself in its own Nature, is *equally free* in all Ages, and the Ministers of the Gospel are so too, in respect of its Publication (so as not to preach the Gospel because human Laws command, nor to forbear to preach it because human Laws forbid) so ought the Gospel Maintenance also, or the Maintenance of this Gospel Ministry, to be in all Ages *equally free* ; else it is not suitable to the Ministry, and the Gospel to which it appertains. And whensoever it ceases to be free, by the interposed Injunctions of penal Laws, thenceforth ceases to be a *Gospel-Maintenance*. Now if we should suppose Tithes a lawful Maintenance, and that the Donation of them was an *Act of pure Liberality and perfect Freedom* in the first Donors (which universally consider'd, is far enough from Probability) and upon that Supposition should admit Tithes to have been then a free Maintenance ; yet the settling of them as a standing Maintenance, and compelling after Ages by *Penalties* to pay them, makes them *not now a free Maintenance*, if they had been so then ; but the true *Gospel Maintenance* ought to be *free* in its *Continuation*, as well as in its Beginning ; and *Christians* now may justly expect as much *Christian Liberty and Freedom*, as others in former Ages had, which they do not enjoy, who now stand bound to the Performance of that which others were at *Liberty* to.

¶ 16. *My Lord,* No Payment of Tithes was  
ordained in *Christian Churches* (as *Selden* ob-  
serveth) till the general Council at *Lateran*,  
¶ Anno 1215. Therefore the *ORDINANCE* of  
Tithes under the *Gospel*, deriving its Being and  
Institution, from the *Injunctions* of the Pope and  
his Council, doth subject us to the *Dictates* of the  
See of *Rome*, against which, we are all engaged  
by our former *Protestations*, and by our *solemn*  
*League* and *Covenant*. And tho' these Tithes  
should be granted not to be the *Root*, yet they  
cannot but be concluded to be a *main Branch* of  
*Papery*, being not of *Christ's*, but of the Pope's  
own *Ordinance*; therefore by our *Covenant* to  
be extirpated.'

Under the various Revolutions of Government, and Changes of Administration, the Yoke of Tithes still remaining unremoved, in the Year 1659 a Treatise was published, intitled, *Considerations touching the likeliest Means to remove Hirclings out of the Church*: Addressed to the Parliament of the *Common-wealth of England*, with the *Dominions* thereof, wrote by that learned and judicious Author *John Milton*. The Importance of the Inquiry, and Cogency of his Reasoning, may excuse our reprinting so much of it as follows, *viz.*

¶ **W**HAT Recompence ought to be given to Church-Ministers God hath answerably ordain'd, according to that Difference which he hath manifestly put between those his two great Dispensations, the *Law* and the *Gospel*. Under the *Law* he gave them Tithes; under the *Gospel*, having left all Things in his Church to Charity and *Christian Freedom*, he hath given them only what is justly given them; *that*, as well under the *Gospel* as under the *Law*, say our *English Divines*

Divines, and they only of all *Protestants*, is *Titus* ;  
 and they say true, if any Man be so minded to  
 give them of his own the Tenth or Twentieth.  
 But that the Law therefore of Tithes is in Force  
 under the Gospel, all other *Protestant* Divines,  
 though equally concern'd, yet constantly deny.  
 For altho' Hire to the Labourer be of moral and  
 perpetual Right, yet that special Kind of Hire,  
 the Tenth, can be of no Right or Necessity, but  
 to that special Labour for which God ordained  
 it. The special Labour was the *Levitical* and Cere-  
 monial Service of the Tabernacle, *Numb. xviii.*  
 21, 31. which is now abolished. The Right  
 therefore of that special Hire must needs be with-  
 abolished, as being also Ceremonial. That Tithes  
 were Ceremonial is plain ; not being given to the  
*Levites* till they had been first offer'd an Heave-  
 Offering to the Lord, Ver. 24, 28. He then  
 who by that Law brings Tithes into the Gospel,  
 of necessity brings in withal a Sacrifice, and an  
 Altar ; without which Tithes by that Law were  
 unsanctified and polluted, Ver. 32. and therefore  
 never thought on in the first *Christian* Times, till  
 Ceremonies, Altars, Oblations, by an ancienter  
 Corruption, were brought back long before.  
 And yet the *Jews*, ever since their Temple was  
 destroy'd, tho' they have Rabbies and Teachers  
 of their Law, yet pay no Tithes, as having no  
*Levites* to whom, no Temple where to pay them ;  
 nor Altar whereon to hallow them ; which ar-  
 gues, that the *Jews* themselves never thought  
 Tithes moral, but ceremonial only. That *Chris-*  
 tians therefore should take them up, when *Jews*  
 have laid them down, must needs be very absurd  
 and preposterous.

This is so apparent to the reformed Divines of  
 other Countries, that when any of ours hath at-  
 tempted in *Latin* to maintain this Argument of  
 Tithes,

Tithes, though a Man would thing they might suffer him without Opposition, in a Point equally tending to the Advantage of all Ministers, yet they forbear not to oppose him, as in a Doctrine not fit to pass unoppos'd under the Gospel. Which shews the Modesty, the Contentedness of those foreign Pastors, with the Maintenance given them ; their Sincerity also in the Truth, though less gainful ; and the Avarice of ours, who, thro' the Love of their old *Papistical* Tithes, consider not the weak Arguments, or rather Conjectures and Surmises which they bring to defend them.

Certainly, if *Christ* or his Apostles had approv'd of Tithes, they would have either by Writing, or Tradition, recommended them to the Church : And that soon would have appear'd in the Practice of those primitive, and the next Ages ; but for the first three hundred Years and more, in all the Ecclesiastical Story, I find no such Doctrine or Example : Tho' Error, by that Time, had brought back again *Priests*, *Altars*, and *Oblations* ; and in many other Points of Religion, had miserably *judaiz'd* the Church. So that the Defenders of Tithes, after a long Pomp, and tedious Preparation out of *Heathen Authors*, telling us, that Tithes were paid to *Hercules* and *Apollo*, which perhaps was imitated from the *Jews*, and as it were bespeaking our Expectation, that they will abound much more with Authorities out of *Christian Story*, having nothing of general Approbation to begin with from the first three or four Ages, but that which abundantly serves to the Confutation of their Tithes ; while they confess that Churchmen in those Ages liv'd meerly upon Free-will Offerings. Neither can they say, that Tithes were not then paid, for Want of a Civil Magistrate to ordain them, for *Christians* had then also Lands, and might give out

out of them what they pleas'd ; and yet of Tithes  
 then given, we find no Mention. And the first  
 Christian Emperors, who did all Things as Bi-  
 shops advis'd them, supply'd what was wanting  
 to the Clergy, not out of Tithes, which were  
 never mention'd, but out of their own Imperial  
 Revenues, as is manifest in *Eusebius, Theodoret*  
 and *Sozomen*, from *Constantine* to *Arcadius*.  
 Hence those ancientest reformed Churches of  
 the *Waldenses*, if they rather continu'd not pure  
 since the Apostles, deny'd that Tithes were to  
 be given, or that they were ever given in the  
 primitive Church, as appears by an ancient  
 Tractate inserted in the *Bohemian History*.  
 Thus far hath the Church been always, whether  
 in her prime, or in her ancientest Reformation,  
 from the approving of Tithes ; nor without  
 Reason ; for they might easily perceive that  
 Tithes were fitted to the *Jews* only, a National  
 Church of many incompleat Synagogues, uniting  
 the Accomplishment of divine Worship in one  
 Temple ; and the *Levites* there had their Tithes  
 paid, where they did their bodily Work, to  
 which a particular Tribe was set apart by divine  
 Appointment, not by the Peoples Election.  
 But the Christian Church is universal, not ty'd to  
 Nation, Dioces, or Parish, but consisting of many  
 particular Churches compleat in themselves, ga-  
 ther'd not by Compulsion, or the Accident of  
 dwelling nigh together, but by free Consent,  
 chusing both their particular Church, and their  
 Church-Officers ; whereas if Tithes be set up, all  
 these Christian Privileges will be disturb'd, and  
 soon lost, and with them Christian Liberty.  
 The first Authority which our Adversaries  
 bring, after those fabulous Apostolick Canons,  
 which they dare not insist upon, is a provincial  
 Council held at *Cullen*, where they voted Tithes

to

to be God's Rent, in the Year 356 ; at the same Time, perhaps, when the three Kings reign'd there, and of like Authority. For to what Purpose do they bring these trivial Testimonies, by which they might as well prove Altars, Candles at Noon, and the greatest Part of those Superstitions fetch'd from *Paganism* or *Jewism*, which the *Papist*, inveigl'd by this fond Argument of Antiquity, retains to this Day ? To what Purpose those Decrees of I know not what Bishops, to a Parliament and People who have thrown out both Bishops and Altars, and promis'd all Reformation by the Word of God ? And that *Altars* brought Tithes hither, as one Corruption begot another, is evident by one of those Questions which the Monk *Austin* propounded to the Pope, *Concerning those Things, which by Offerings of the Faithful came to the Altar*, as *Beda* writes, *L. 1. c. 27.* If then by these Testimonies we must have Tithes continued, we must again have *Altars*.

Of Fathers, by Custom so call'd, they quote *Ambrose*, *Augustine*, and some other ceremonial Doctors of the same Leaven ; whose Assertion without pertinent Scripture, no Reformed Church can admit. And what they vouch, is founded on the Law of *Moses*, with which, every where pitifully mistaken, they again incorporate the Gospel ; as did the rest also of those Titular Fathers, perhaps an Age or two before them, by many Rites and Ceremonies, both *Jewish* and *Heathenish* introduc'd ; whereby thinking to gain all, they lost all : And instead of winning *Jews* and *Pagans*, to be *Christians*, by too much descending, they turn'd *Christians* into *Jews* and *Pagans*. To heap such unconvincing Citations as these in Religion, whereof the Scripture only is our Rule, argues not much Learning nor Judgment, but the lost Labour of much unprofitable Reading. They

They produce next, the ancient Constitutions of this Land, *Saxon Laws*, *Edicts of Kings*, and their Councils, from *Abelstone*, in the Year 928, that Tithes by Statute were paid; and might produce from *Ina*, above 200 Years before, that *Romeſcot*, or *Peter's Penny*, was by a good Statute-Law paid to the Pope, from 725, and almost as long continu'd. And who knows not, that this Law of Tithes was enacted by those Kings and Barons, upon the Opinion they had of their Divine Right, as the very Words import of *Edward the Confessor*, in 'the Cloſe of that Law: *For ſo bleſſed Austin preac'b'd and taught*?' meaning the Monk, who firſt brought the *Romifh Religion* into *England* from *Gregory the Pope*. And by the Way I add, that by these Laws, imitating the Law of *Mofes*, the third Part of Tithes only was the Priests Dye, the other two were appointed for the Poor, and to adorn or repair Churches; as the Canons of *Egbert* and *Elfrick* witness, *Concil. Brit.* If then these Laws were founded upon the Opinion of Divine Authority, and that Authority be found mistaken and erroneous, as hath been fully manifested, it follows, that those Laws fall of themselves, with their false Foundations. But with what Face of Conscience can they alledge *Mofes*, or these Laws for Tithes, as they now enjoy, or exact them; whereof *Mofes* ordains the Owner, as we heard before, the Stranger, the Fatherleſs and the Widow, Partakers with the *Levite*; and these Fathers which they cite, and these, though *Romifh* rather than *Engliſh* Laws, allotted both to Priest and Bishop the third Part only.

Another Shift they have to plead, that Tithes may be *moral* as well as the Sabbath, a Tenth of Fruits, as well as a Seventh of Days. I answer, that the Prelates, who urge this Argument,

ment, have least Reason to use it ; denying  
Morality in the Sabbath, and therein better  
agreeing with Reformed Churches abroad than  
the rest of our Divines. As therefore the Seventh  
Day is not moral, but a convenient Recourse of  
Worship in fit Season, whether seventh or other  
Number ; so neither is the Tenth of our Goods,  
but only a convenient Subsistence morally due to  
Ministers.

The last, and lowest Sort of their Arguments,  
that *Men purchas'd not their Tithe with their  
Land*, and such like Petty-Foggery; I omit, as  
refuted sufficiently by others. (b) I omit also  
their violent and irreligious Exactions, related no  
less credibly : Their seizing of Pots and Pans  
from the Poor, who have as good Right to  
Tithes as they ; from some, the very Beds ; their  
suing and imprisoning, worse than when the Ca-  
non Law was in Force ; worse than when those  
wicked Sons of *Eli* were Priests, whose Manner  
was thus to seize their pretended Priestly-Due by  
Force, 1 Sam. ii. 12, &c. Whereby Men abhor'd  
the Offerings of the Lord ; and it may be fear'd,  
that many will as much abhor the Gospel, if  
such Violence as this be suffer'd in her Ministers,  
and in that which they also pretend to be the Of-  
fering of the Lord. For those Sons of *Betial*, with-  
in some Limits made Seizure of what they knew  
was their own by an undoubted Law ; but these,  
from whom there is no Sanctuary, seize out of  
Mens Grounds, out of Mens Houses their other  
Goods, of double, sometimes of treble Value,  
for that, which did not Covetousness and Rapine  
F blind

(b) 'Tis not unlikely but that Milton had an Eye in this Place  
to our Author, who in Page 51 has answered those Arguments  
or Objections.

‘ blind them, they know to be not their own by the Gospel which they preach. Of some more tolerable than these, thus severely God hath spoken, *Esa. lvi. 10, &c.* *They are greedy Dogs; they all look to their own Way, every one for his Gain from his Quarter.*

‘ With what Anger then will he judge them who stand not looking, but under Colour of a divine Right, fetch by Force that which is not their own, taking his Name not in vain, but in Violence? Not content, as *Gebazi* was, to make a cunning, but a constrain’d Advantage of what their Master bids them give freely; how can they but return smitten, worse than that sharking Minister, with a spiritual Leprosy? And yet they cry out *Sacrilege*, that Men will not be gull’d and baffl’d the Tenth of their Estates, by giving Credit to frivolous Pretences of divine Right.

‘ Where did God ever clearly declare to all Nations, or in all Lands (and none but Fools part with their Estates, without clearest Evidence, on bare Supposals and Presumptions of them who are the Gainers thereby) that he requir’d the Tenth as due to him or his Son perpetually, and in all Places? Where did he demand it, that we might certainly know, as in all Claims of Temporal Right is just and reasonable? Or if demanded, where did he assign it, or by what evident Conveyance, to Ministers? Unless they can demonstrate this by more than Conjectures, their Title can be no better to Tithes, than the Title of *Gebazi* was to those Things, which by abusing his Master’s Name, he rook’d from *Naaman*. Much less, where did he command that Tithes should be fetch’d by Force, where left not, under the Gospel; what ever his Right was to the Free-will Offerings of Men? Which is the greater *Sacrilege*, to belie Divine

• Divine Authority, to make the Name of Christ  
• necessary to Violence, and robbing him of the  
• very Honour which he aim'd at in bestowing  
• freely the Gospel, to commit *Simony* and *Rapine*,  
• both secular and Ecclesiastical ; or on the other  
• Side, not to give up the Tenth of Civil Right  
• and Propriety, to the Tricks and Impostures of  
• Clergymen, contriv'd with all the Art and Argu-  
• ment that their Bellies can invent or suggest ;  
• yet so ridiculous, and presuming on the Peoples  
• Dulness or Superstition, as to think they prove  
• the Divine Right of their Maintenance, by *Abram*  
• paying Tithes to *Melchisedec*, whenas *Melchisedec*,  
• in that Passage, rather gave Maintenance to  
• *Abram* ; in whom all, both Priests and Ministers,  
• as well as Laymen, paid Tithes, not receiv'd  
• them.

• The next Thing to be considered in the Main-  
• tenance of Ministers is, by whom it should be  
• given. Wherein, though the Light of Reason  
• might sufficiently inform us, it will be best to  
• consult the Scripture : *Gal. vi. 6. Let him that is*  
• *taught in the Word, communicate to him that teach-*  
• *eth, in all good Things, that is to say, in all man-*  
• *ner of Gratitude to his Ability.* *1 Cor. ix. 11.*  
• *If we have sown unto you Spiritual Things, is it a*  
• *great Matter if we reap your Carnial Things?* To  
• whom therefore hath not been sown, from him  
• wherefore should be reaped ? *1 Tim. v. 17. Let*  
• *the Elders that rule well, be counted worthy of*  
• *double Honour, especially they who labour in the*  
• *Word and Doctrine.* By these Places we see, that  
• Recompence was given either by every one in  
• particular who had been instructed, or by them  
• all in common, brought into the Church-Trea-  
• sure, and distributed to the Ministers according  
• to their several Labours, and that was judged  
• either by some extraordinary Person, as *Timothy*,

• who by the Apostle was then left Evangelist at  
 • *Epesus*; 2 Tim. iv. 5. or by some to whom the  
 • Church deputed that Care.

• This is so agreeable to Reason, and so clear,  
 • that one may perceive what Iniquity and Vi-  
 • olence hath prevailed since in the Church, wheréby  
 • it hath been so ordered, that they also shall be  
 • compelled to recompence the parochial Minister,  
 • who neither chose him for their Teacher, nor  
 • have received Instruction from him, as being  
 • either insufficient, or not resident, or inferior to  
 • whom they follow; wherein to bar them their  
 • Choice, is to violate *Christian Liberty*.

• Our Law-books testify, that before the Coun-  
 • cil at *Lateran*, in the Year 1179, and the Fifth  
 • of our Hen. 2. or rather before a Decretal Epistle  
 • of Pope *Innocent the Third*, about 1200, and the  
 • First of King *John*, any *man might have given his*  
 • *Tithes to what Spiritual Person he would*. And  
 • as the Lord *Coke* notes on that Place, *Instit.*  
 • *Part. 2.* That *this Decretal bound not the Subjects*  
 • *of this Realm, but, as it seemed just and reasonable*.  
 • The Pope took his Reason rightly from the  
 • above cited Place; 1 Cor. ix. 11. but falsely sup-  
 • pos'd every one to be instructed by his Parish-  
 • Priest.

• Whether this were then first so decreed, or  
 • rather long before, as may be seen by the Laws  
 • of *Edgar* and *Cantute*, that Tithes were to be  
 • paid, not to whom he would that paid them,  
 • but to the Cathedral-Church, or the Parish-  
 • Priest, it imports not; since the Reason which  
 • they themselves bring, built on false Supposi-  
 • tions, becomes alike infirm and absurd, that he  
 • should reap from me, who sows not to me; be  
 • the Cause either his Defect, or my free Choice.  
 • But here it will be readily objected, *What if*  
 • *they who are to be instructed, be not able to*  
 • *maintain*

maintain a Minister, as in many Villages? I answer, that the Scripture shews in many Places what ought to be done herein. First, I offer it to the Reason of any Man, whether he thinks the Knowledge of the *Christian Religion* harder than any other Art or Science to obtain. I suppose he will grant that it is far easier, both of itself, and in regard of God's *assisting Spirit*, not particularly promised us to the Attainment of any other Knowledge, but of this only: Since it was preached, as well to the Shepherds of *Bethlem* by Angels, as to the Eastern Wisemen by that Star; and our Saviour declares himself anointed to preach the Gospel to the Poor, *Luke* iv. 18. then surely to their Capacity. They who after him first taught it, were otherwise unlearned Men: They who, before *Hus* and *Luther*, first reformed it, were for the Meanness of their Condition, called, *The poor Men of Lions*; and in *Flanders* at this Day, *les Gues*, which is to say *Beggars*. Therefore are the Scriptures translated into every vulgar Tongue, as being held in main Matters of Belief and Salvation, plain and easy to the poorest; and such, no less than their Teachers, have the *Spirit* to guide them in all Truth, *John* xiv. 26. and xvi. 13.

Seeing then that the *Christian Religion* may be so easily attained, and by meanest Capacities, it cannot be much difficult to find Ways, both how the Poor, yea, all Men may be soon taught what is to be known of *Christianity*, and they who teach them recompensed. First, if Ministers of their own Accord, who pretend that they are called and sent to preach the Gospel, those who have no particular Flock, would imitate our Saviour and his Disciples, who went preaching through the Villages, not only through the Cities, *Mat.* ix. 35. *Mark* vi. 6. *Luke* xiii.

' 22. *Act* viii. 25. and there preached to the  
 ' Poor as well as to the Rich, looking for no Re-  
 ' compence but in Heaven ; *John* iv. 35, 36.  
 ' *Look on the Fields ; for they are white already to*  
 ' *Harvest : And be that reapest, receivest Wages ;*  
 ' *and gatherest Fruit unto Life Eternal.* [This was  
 ' their Wages.] But they soon will reply, *we*  
 ' *ourselves have not wherewithal ; who shall bear*  
 ' *the Charges of our Journey ?* To whom it may  
 ' as soon be answered, that in likelihood they  
 ' are not poorer than they who did thus ; and  
 ' if they have not the same Faith which those  
 ' Disciples had, to trust in God and the Promise  
 ' of *Christ* for their Maintenance, as they did,  
 ' and yet intrude into the Ministry without any  
 ' Livelihood of their own, they cast themselves  
 ' into a miserable Hazard or Temptation, and  
 ' oft-times into a more miserable Necessity, either  
 ' to starve, or to please their Pay-masters, rather  
 ' than God : And give Men just Cause to suspect,  
 ' that they came neither called, nor sent from  
 ' above to preach the Word, but from below, by  
 ' the Instinct of their own Hunger to feed upon the  
 ' Church.

' *St. Paul*, though born of no mean Parents,  
 ' a free Citizen of the *Roman Empire*, so little did  
 ' his Trade debase him, that it rather enabled  
 ' him to use that (c) Magnanimity of preaching  
 ' the Gospel through *Asia* and *Europe* at his own  
 ' Charges : Thus those Preachers among the  
     ' *Waldenses*,

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(c) What Milton calls Magnanimity of Preaching, John Locke  
 takes to be the Glorying which the Apostle speaks of in *1 Cor. ix.*  
 15. For it were better for me to die, than that any Man  
 should make my Glorying void. John Locke's Paraphrase,  
 For I had rather perish for Want, than be depriv'd of what  
 Glory in, viz. Preaching the Gospel freely.

« *Waldenses*, the ancient Stock of our Reformation, without these Helps which I speak of, bred up themselves in Trades, and especially in *Physick and Surgery*, as well as in the Study of Scripture (which is the only true Theology) that they might be no Burden to the Church ; and by the Example of *Christ*, might cure both Soul and Body ; through Industry, joining that to their Ministry, which he join'd to his by Gift of the Spirit. Thus relates *Peter Gilles* in his History of the *Waldenses* in *Piedmont*. But our Ministers think Scorn to use a Trade, and count it the Reproach of this Age, that Tradesmen preach the Gospel. It were to be wish'd they were all Tradesmen ; they would not then so many of them, for Want of another Trade, make a Trade of their Preaching ; and yet they clamour that Tradesmen preach ; and yet they preach, while they themselves are the worst Tradesmen of all. As for *Church-Endowments* and *Possessions*, I meet with none considerable before *Constantine*, but the Houses and Gardens, where they met, and the Places of Burial : And I perswade me, that from them the ancient *Waldenses*, whom deservedly I cite so often, held, *That to endow Churches is an evil Thing* ; and that the Church then fell off and turn'd Whore, sitting on that Beast in the *Revelation*, when under *Pope Silvester* she receiv'd those temporal Donations. So the forecited Tractate of their Doctrine testifies.

« This also their own Traditions of that heavenly Voice witnessed, and some of the ancient Fathers then living foresaw and deplored. And indeed, how could these Endowments thrive better with the Church, being unjustly taken by those Emperors, without Suffrage of the

• People, out of the Tributes and publick Lands  
• of each City, whereby the People became liable  
• to be oppressed with other Taxes. Being there-  
• fore given for the most part by Kings and  
• other publick Persons, and so likeliest out of the  
• Publick, and if without the Peoples Consent,  
• unjustly ; however to publick Ends of much  
• Concernment to the Good or Evil of a Common-  
• Wealth, and in that regard made publick,  
• though given by private Persons ; or which is  
• worse, given, as the Clergy then perswaded  
• Men, for their Souls Health, a pious Gift, but  
• as the Truth was, oft-times a Bribe to God, or  
• to *Christ* for Absolution, as they were then-  
• taught, from Murders, Adulteries, and other  
• heinous Crimes ; what shall be found heretofore  
• given by Kings or Princes out of the Publick,  
• may justly by the Magistrate be recalled and re-  
• appropriated to the Civil Revenue : What by  
• private or publick Persons out of their own, the  
• Price of Blood or Lust, or to some such punga-  
• torious or superstitious Uses, not only may, but  
• ought to be taken off from *Christ*, as a foul  
• Dishonour laid upon him ; or not impiously  
• given, nor in particular to any one, but in ge-  
• neral to the Church's Good, may be converted to  
• that Use, which shall be judg'd more directly  
• to that general End. Thus did the Princes and  
• Cities of *Germany* in the first Reformation ; and  
• defended their so doing by many Reasons, which  
• are set down at large in *Sleiden*, l. 6. *Anno*  
• 1526, and l. 11. *Anno* 1537, and l. 13. *Anno*  
• 1540. But that the Magistrate either out of  
• that Church-Revenue which remains yet in his  
• Hand, or establishing any other Maintenance  
• instead of Tithe, should take into his own Power  
• the stipendiary Maintenance of Church-Mini-  
• sters, or compel it by Law, can stand neither  
• with

with the *Peoples Right*, nor with *Christian Liberty*, but would suspend the Church wholly upon the State, and turn her Ministers into State-Pensioners.

But to proceed farther in the Truth yet more freely ; seeing the *Christian Church* is not National, but consisting of many particular Congregations, subject to many Changes, as well thro' Civil Accidents, as through Schism and various Opinions, not to be decided by any outward Judge, being Matters of Conscience, whereby these pretended Church-Revenues, as they have been ever, so are like to continue endless Matter of Dissention, both between the Church and Magistrate, and the Churches among themselves, where will be found no better Remedy to these Evils, otherwise incurable, than by the incorporate Counsel of those *Waldenses*, our first Reformers, to remove them as a Pest, an Apple of Discord in the Church, (for what else can be the Effect of Riches, and the Snare of Money in Religion ?) and to convert them to those more profitable Uses above expressed, or other such as shall be judged most necessary ; considering that the Church of *Christ* was founded in Poverty rather than in Revenues, stood purest, and profpered best without them, receiv'd them unlawfully from them, who both erroneously and unjustly, sometimes impiously, gave them, and so justly was ensnared and corrupted by them.

And lest it be thought that these Revenues withdrawn and better employed, the Magistrate ought instead to settle by Statute some Maintenance of Ministers, let this be consider'd, first, That it concerns every Man's Conscience to what Religion he contributes ; and that the Civil Magistrate is intrusted with Civil Rights only, not with Conscience, which can have no Deputy

or Representor of itself, but only of the same  
 Mind. (d)

Next, That what each Man gives to the Minister, he gives either as to God, or as to his Teacher ; if as to God, no Civil Power can justly consecrate to religious Uses any Part either

(d) This Argument of *Milton's* may be carried farther, thus ; In a State of Nature, none had a Right to oblige others to the Support of a Religion they judg'd was displeasing to God : And none upon the entring into Civil Society, or Bodies Politick, could be suppos'd to be willing to impower the Magistrate to oblige them to bestow their Labour, or give any Part of their Property for the Maintenance of a Religion they thought God disliked ; on the contrary, their entring into Society was to be protected from this as well as any other Imposition. And,

If it be unlawful for private Persons to promote a Religion, by doing of which they think they should offend God ; how can it be lawful for the Magistrate, either directly or indirectly to compel them to it ?

If the Magistrate has no Right to deprive People of what they gain by their Labour and Industry for not being of his Religion, we should be glad to know, how he comes to have a Right to compel them to do this for the Maintenance of his Religion ?

If the Magistrate is oblig'd to put all his Subjects who alike contribute to the publick Good (and hold no Opinions inconsistent with it) upon an equal Foot, how can he force part of his Subjects to contribute to the Support of a Religion they cannot in Conscience comply with ? Surely, they that insist upon this, do not do as they would be done unto.

Bishop *Holday* says, in his Answer to the Representation of the Committee of the Lower-houle of Convocation. p.172. " The Magistrate (as I have often remark'd) can reach with all his Power, no farther than outward Practice : And the outward Actions of Men, as they affect human Society, are the Objects of his Care and Concern. — The Magistrate is not by Temporal Punishments or Sanctions, to determine or concern himself with any Man's Religion as Religion, but to hinder any Man's Religion or Conscience from being hurtful to human Society, by punishing those outward Practices which may proceed from his Conscience, for ought he knows, if they are such as are prejudicial to the *Publick*, which is his peculiar Care, p. 255."

either of Civil Revenue, which is the Peoples, and must save them from other Taxes, or of any Man's Propriety, but God by special Command, as he did by *Moses*, or the Owner himself by voluntary Intention, and the Perswasion of his giving it to God : Forc'd Consecrations out of another Man's Estate, are no better than forc'd Vows ; hateful to God, who *loves a cheerful Giver* ; but much more hateful, wrung out of Mens Purse to maintain a disapproved Ministry against their Conscience ; however unholy, infamous and dishonourable to his Ministers and the free Gospel, maintained in such unworthy manner as by Violence and Extortion : If he give it as to his Teacher, what Justice or Equity compels him to pay for learning that Religion which leaves freely to his Choice, whether he will learn it or no, whether of this Teacher or another, and especially to pay for what he never learned, or approves not ; whereby, besides the Wound of his Conscience, he becomes the less able to recompence his true Teacher. Thus far hath been enquired by whom Church-Ministers ought to be maintained ; and hath been prov'd most natural, most equal and agreeable with Scripture, to be by them who receive their Teaching.

It remains lastly to consider, in what Manner God hath ordained that Recompence be given to Ministers of the Gospel : And by all Scripture it will appear, that he hath given it to them not by Civil Law and Freehold, as they claim, but by the Benevolence and free Gratitude of such as receive them : Luke x. 7, 8. *Eating and drinking such Things as they give you. If they receive you, eat such Things as are set before you.* Mat. x. 7, 8. *As ye go, preach, saying, the Kingdom of God is at Hand, &c. Freely ye have received, freely give.* If God has ordained Ministers

sters to preach freely, whether they receive Re-  
 compence or not, then certainly he hath forbid  
 both them to compel it, and others to compel it for  
 them. But freely given, he accounts as given to  
 himself. Philip iv. 16, 17, 18. *Ye sent once and*  
*again to my Necessity. Not because I desire a Gift;*  
*but I desire Fruit that may abound to your Account.*  
 Having receiv'd of Epaphroditus the Things which  
 were sent from you, an Odour of sweet Smell, a Sa-  
 crifice acceptable, well pleasing to God. Which  
 cannot be from Force or Unwillingness. The  
 same is said of Alms, Heb. xiii. 16. *To do Good*  
*and to communicate forget not, for with such Sacri-*  
*fices God is well pleased.* Whence the primitive  
 Church thought it no Shame to receive all their  
 Maintenance as the Alms of their Auditors.  
 Which they who defend Tithes, as if it made  
 for their Cause, whenas it utterly confutes them,  
 omit not to set down at large; proving to our  
 Hands out of *Origen, Tertullian, Cyprian, and*  
 others, that the Clergy had their Portions given  
 them in Baskets; and were thence called *Sporcu-*  
*larii, Basket-Clerks:* That their Portion was a  
 very mean Allowance, only for a bare Liveli-  
 hood; according to those Precepts of our Sa-  
 iour, Mat. x. 7, &c. the rest was distributed to  
 the Poor. They cite also out of *Prospic*, the  
 Disciple of St. Austin, that such of the Clergy as  
 had Means of their own, might not without  
 Sin partake of Church-Maintenance, nor re-  
 ceiving thereby Food which they abound with,  
 but feeding on the Sins of other Men; that the  
 Holy Ghost saith of such Clergymen, *they eat*  
*the Sins of my People:* And that a *Council* at  
 Antioch, in the Year 340, suffered not either  
 Priest or Bishop to live on Church-Maintenance  
 without Necessity. Thus far Tithers themselves  
 have contributed to their own Confutation, by  
 confessing

confessing that the Church lived primitively on Alms. And I add, that about the Year 359, Constantius the Emperor having summon'd a general Council of Bishops to *Ariminum* in Italy, and provided for their Subsistence there, the British and French Bishops judging it not decent to live on the Publick, chose rather to be at their own Charges. Three only out of *Britain*, constrain'd through Want, yet refusing offer'd Assistance from the rest, accepted the Emperor's Provision ; judging it more convenient to subsist by publick than by private Sustenance. Whence we may conclude, that *Bishops* then, in this Island, had their Livelihood only from Benevolence. In which regard this Relater *Subtilius Severus*, a good Author of the same Time, highly praises them.

And the *Waldenses*, our first Reformers, both from the Scripture and these primitive Examples, maintained those among them who bore the Office of Ministers, by Alms only. Take the very Words from the History written of them in *French*, Part 3. l. 2. c. 2. *Le Nourriteur et ce de quoy nous sommes couverts, &c.* Our Food and Cloathing is sufficiently administered and given us by way of Gratitude and Alms, by the good People whom we teach. If then by Alms and Benevolence, not by *LEGAL Force*, not by Tenure of Freehold or Copyhold : For Alms, tho' just, cannot be compelled ; and Benevolence forced, is Malevolence rather, violent and inconsistent with the Gospel ; and declares him no true Minister thereof, but a rapacious Hireling rather, who by Force receiving it, eats the Bread of Violence and Exaction, no holy or just Livelihood, no not civilly counted honest, much less befitting such spiritual Ministry. But,

They

They pretend that their Education either at School or University, hath been very chargeable, and therefore ought to be repaired in future by a plentiful Maintenance; wheras it is well known, that the better half of them, are oftentimes poor and pitiful Boys of no Merit, or promising Hopes, that might entitle them to the publick Provision, but their Poverty, and the unjust Favour of Friends, have had most of their Breeding, both at School and University, by Scholarships, Exhibitions and Fellowships at the publick Cost; which might engage them the rather to give freely, as they have freely received.

But they will say, *we had betaken us to some other Trade or Profession, had we not expected to find a better Livelihood by the Ministry.* This is that which I looked for, to discover them openly neither true Lovers of Learning, and so very seldom guilty of it, nor true Ministers of the Gospel. So long ago out of Date is that old true Saying, 1 Tim. iii. 1. *If a Man desire a Bishoprick, be desires a good Work:* For now commonly he who desires to be a Minister, looks not at the Work but at the Wages; and by that Lure or Low-bell, may be toll'd from Parish to Parish, all the Town over: But what can be plainer *Simony*, than thus to be at Charges beforehand, to no other End, than to make their Ministry doubly or trebly beneficial? To whom it might be said as justly as that to *Simon, Thy Money perish with thee, because thou hast thought that the Gift of God may be purchas'd with Money: Thou hast neither Part nor Lot in this Matter.*

Next, it is a fond Error, though too much believed among us, to think that the University makes a Minister of the Gospel; what it may conduce to other Arts and Sciences, I dispute not now: But that which makes fit a Minister, the

Scripture

Scripture can best inform us to be only from above ; whence also we are bid to seek them, Mat. ix. 38. *Pray ye therefore the Lord of the Harvest, that he will send forth Labourers into his Harvest,* Acts xx. 28. *The Flock over which the Holy Ghost bath made you Overseers.* Rom. x. 15. *How shall they preach, unless they be sent ?* By whom sent ? By the *University*, or the *Magistrate*, or their *Belly* ? No surely. But sent from God only, and that God, who is not their Belly. And whether he be sent from God, or from *Simon Magus*, the inward Sense of his Calling and spiritual Ability will sufficiently tell him ; and that strong Obligation felt within him, which was felt by the Apostle, will often express from him the said Words, 1 Cor. ix. 16. *Necessity is laid upon me, yea, Woe is me, if I preach not the Gospel.* Not a beggarly Necessity, and the Woe feared otherwise of perpetual Want, but such a Necessity as made him willing to preach the Gospel *gratis*, and to embrace Poverty, rather than as a Woe to fear it, 1 Cor. xii. 28. *God bath set some in the Church, first Apostles, &c. Eph. iv. 11, &c. He gave some Apostles, &c. For the perfecting of the Saints, for the Work of the Ministry, for the edifying of the Body of Christ, till we all come to the Unity of the Faith.* Whereby we may know, that as he made them at the first, so he makes them still, and to the World's End. 2 Cor. iii. 6. *Who bath also made us fit or able Ministers of the New-Testament.* 1 Tim. iv. 14. *The Gift that is in thee, which was given thee by Prophecy, and the laying on of the Hands of the Presbytery.* These are all the means which we read of required in Scripture to the making of a Minister. All this is granted, you will say ; but yet it is also requisite he should be trained

trained up in other Learning, which can be no  
where had than at Universities.

*I answer,* That what Learning, either human  
or divine, can be necessary to a Minister, may  
as easily, and less chargeable, be had in any pri-  
vate House. How deficient else, and to how  
little purpose, are all those Piles of Sermons,  
Notes and Comments on all Parts of the Bible,  
Bodies and Matrows of Divinity, besides all  
other Sciences, in our *English* Tongue; many of  
the same Books which in *Latin* they read at the  
University? And the small Necessity of going  
thither to learn Divinity, I prove, *first*, from the  
most Part of themselves, who seldom continue  
there till they have got through Logick, their  
first Rudiments; though to say Truth, Logick  
also may much better be wanting in Disputes of  
Divinity, than in the subtle Debates of *Lawyers*  
and *Statesmen*, who yet seldom or never deal with  
Syllogisms.

And those Theological Disputations there held  
by Professors and Graduates, are such as tend least  
of all to the Edification, or Capacity of the People,  
but rather perplex, and leaven pure Doctrine with  
scholaistical Trash, than enable any Minister to  
the better preaching of the Gospel. Whence we  
may also compute, since they come to Reckon-  
ings, the Charges of his needful Library; which,  
though some shame not to value at 600*l.* may  
be competently furnished for 60*l.* If any Man,  
for his own Curiosity or Delight, be in Books  
farther expensive, that is not to be reckon'd as  
necessary to his Ministerial, either Breeding or  
Function.

But Papists and other *Adversaries*, cannot be  
confuted without *Fathers* and *Councils*, immense  
Volumes, and of vast Charges. I will shew them  
therefore a shorter and better Way of Confu-  
tation.

tation. Tit. i. 9. *Holding fast the faithful Word, as he hath been taught, that he may be able by sound Doctrine, both to exhort and convince Gainsayer's: Who are confuted as soon as heard, bringing that which is either not in Scripture, or against it. To pursue them farther, through the obscure and entangled Wood of Antiquity, Fathers and Councils, fighting one against another, is needless, endleſs, not requisite in a Minister, and refused by the first Reformers of our Religion.*

*Neither speak I this in contempt of Learning, or the Ministry, but hating the common Cheats of both; hating that they who have preached out Bishops, Prelates and Canonists, should, in what serves their own Ends, retain their false Opinions, their Pharisaical Leaven, their Avarice, and closely their Ambition, their Pluralities, their Non-residences, their odious Fees, and use their Legal and Popish Arguments for Tithes; that Independents should take that Name, as they may justly, from the true Freedom of Christian Doctrine and Church Discipline; subject to no superior Judge, but God only, and seek to be Dependents on the Magistrate for their Maintenance. Which two Things, Independency and State-Hire in Religion, can never consist long or certainly together. For Magistrates at one Time or other, not like these at present (e) our Patrons of Christian Liberty, will pay none but such whom, by their Committees of Examination, they find conformable to their Interests and Opinions; and Hirelings will soon frame themselves to that Interest, and those Opinions, which they see best pleasing to their Paymasters; and*

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(e) The Parliament of the English Common-Wealth, in 1659, to whom Milton was Secretary for Foreign Affairs.

to seem right themselves, will force others as to the Truth.

But most of all, they are to be revil'd and sham'd, who cry out with the distinct Voice of notorious Hirelings, *That if ye settle not our Maintenance by Law, farewell the Gospel*; than which nothing can be utter'd more false, more ignominious, and I may say, more blasphemous against our Saviour; who hath promised, without this Condition, both his *holy Spirit, and his own Presence with the Church to the World's End*. Nothing more false (unless with their own Mouths they condemn themselves for the unworthiest and most mercenary of all other Ministers) by the Experience of Three Hundred Years after Christ; and the Churches at this Day in France, Austria, Polonia, and other Places, witnessing the contrary, under an adverse Magistrate, not a favourable: Nothing more ignominious, leveling, or rather undervaluing, Christ beneath Mahomet.

For, if it must be thus, how can any Christian object it to a Turk, *That his Religion stands by Force only*; and not justly fear from him this Reply, *Yours both by Force and Money in the Judgment of your own Teachers*. This is that which makes Atheists in the Land, whom they so much complain of: Not the Want of Maintenance, or Preachers, as they alledge, but the many Hirelings and Cheaters that have the Gospel in their Hands: Hands that still crave and are never satisfied. Likely Ministers indeed, to proclaim the Faith, or to exhort our Trust in God, when they themselves will not trust him to provide for them, in the Message whereon, they say, he sent them, but threaten for Want of temporal Means to desert it; calling that Want of Means, which is nothing else but the Want of their

their own Faith ; and would force us to pay the *Hire* of building our Faith to their covetous Incredulity.

• Doubtless, if God only be He, *who gives Ministers to his Church till the World's End* ; and through the whole Gospel, never sent us for Ministers to the Schools of Philosophy, but rather bids us *Beware of such vain Deceit*, Col. ii. 8. (which the primitive Church, after two or three Ages, not remembring, brought herself quickly to Confusion.) If all the Faithful be now *an holy and a Royal Priesthood*, 1 Pet. ii. 5, 9. not excluded from the Dispensation of Things holiest, after free Election of the Church, and Imposition of Hands, there will not want Ministers elected, out of all Sorts and Orders of Men, for the Gospel makes no Difference from the *Magistrate himself to the meanest Artificer*, if God evidently favour him with spiritual Gifts, as he can easily, and oft has done, while those Bachelor Divines, and Doctors of the Tippet, have been passed by.

• Heretofore, in the first Evangelical Times (and it were happy for *Christendom* if it were so again) Ministers of the Gospel were by nothing else distinguished from other *Christians*, but by their spiritual Knowledge, and Sanctity of Life, for which the Church elected them to be her Teachers and Overseers, though not thereby to separate them from whatever Calling she then found them following besides, as the Example of St. Paul declares, and the first Times of *Christianity*.

• When once they affected to be called a *Clergy*, and became as it were a peculiar Tribe of *Levites*, a Party, a distinct Order in the Common-Wealth, bred up for Divines in Babling-schools, and fed at the publick Cost, good for nothing else but what was good for nothing, they soon

• grew idle ; that Idleness, with Fulness of Bread,  
• begat Pride, and perpetual Contention with their  
• Feeders, the despised Laity, through all Ages.  
• ever since, to the perverting of Religion, and  
• the Disturbance of all *Christendom*.

• And we may confidently conclude, it never  
• will be otherwife, while they are thus upheld  
• undepending on the Church, on which alone they  
• anciently depended ; and are by the Magistrate  
• publickly maintain'd, a numerous Faction of  
• indigent Persons, crept for the most part out  
• of extreme Want and bad Nurture, claiming by  
• divine Right and *Freehold*, the Tenth of our  
• Estates, to monopolize the Ministry as their  
• *Peculiar*, which is free and open to all able  
• *Christians*, elected by any Church.

• Under this Pretence, *exempt* from all other  
• Employment, and enriching themselves on the  
• Publick, they last of all prove common Incen-  
• diaries, and exalt their Horns against the Magi-  
• strate himself that maintains them, as the Priest  
• of *Rome* did soon after, against his Benefactor  
• the Emperor ; and the Presbyters of late in *Scot-*  
• *land*. Of which *bireling Crew*, together with  
• all the Mischiefs, Dissentions, Troubles, Wars,  
• meerly of their kindling, *Christendom* might soon  
• rid herself and be happy, if *Christians* would but  
• know their own *Dignity*, their *Liberty*, their *Adop-*  
• *tion*, and let it not be wonder'd, if I say their  
• *spiritual Priesthood*, whereby they have all equally  
• Access to any Ministerial Function, whenever  
• called by their own Abilities and the Church,  
• though they never came near Commencement or  
• University.

• But while *Protestants*, to avoid the due Labour  
• of understanding their Religion, are content to  
• lodge it in the *Breast*, or rather in the *Books* of a  
• Clergyman, and to take it thence by Scraps and  
• Mammocks,

• Mamrocks, as he dispenses it in his *Sunday's*  
• Dole, they will be always learning and never  
• knowing ; always Infants, always either his Vaf-  
• sals, as Lay-Priests are to their Priests, or at odds  
• with him, as reformed Principles give them some  
• Light to be not wholly conformable, whence in-  
• finite Disturbances in the State, as they do, must  
• needs follow.

• Thus much I had to say ; and I suppose, what  
• may be enough to them who are not avariciously  
• bent otherwise, touching *The likeliest Means to*  
• *remove Hirelings out of the Church* ; than which  
• nothing can more conduce to *Truth, to Peace,*  
• and *all Happiness* both in *Church and State.*

• If I be not heard nor believed, the Event will  
• bear me witness to have spoken Truth : And I  
• in the mean while have borne my Witness, not out  
• of Season, to the Church and to my Country."

These, Reader, are the Sentiments of this learned Writer, concerning *Tithes* and *Hireling Ministers*, to which we shall subjoin some Extracts from the *Answer to the Country-Parson's Plea, &c.* by a Member of the House of Commons, published in 1736 ; the Author whereof observes,

• **T**HAT the Word **PROPERTY** was never  
• less warrantably used, than it had been in  
• that *Plea for Tithes.*

• The Tithes of the Clergy, *says he*, are the  
• Wages, which, as Servants of the Publick, they  
• receive from the Bounty of the Laws ; and their  
• Right in those Tithes arising purely from the  
• *Grace*, their Remedy in suing for them must de-  
• pend wholly on the *Will* of the Legislative Power.

• A Layman's Freehold accrues to him by In-  
• heritance from his Father : A Churchman's Free-  
• hold accrues to him by the Gift of the Publick,

on such Conditions, as are or shall be declared to qualify the Tenure of the Possession, or the Recovery of any Rights incident to it.

By Non-compliance with these Conditions, as declared in a single Act of Parliament, *i. e.* the last *Uniformity-Act*, Thousands have been deprived in a Year, not only of their Tithes, but their Churches, with the high Approbation of all zealous Churchmen. And I must say, for the Reputation of the Sufferers in that Case, that as sensible as they were of their Hardships, they had greater Modesty than to call that a *Property* which they knew to be only a *Trust*.

Nor would it have been endured; and much less, that knowing their Possessions to be held of this *Publick Donation*, they should have had the Insolence to treat any Interest incident to their Possession, as a matter of *Property*, not belonging to the Disposition of Parliament. Every private Interest, even Rights of Inheritance, must be governed by the Consideration of publick Interest. *Salus Populi Suprema Lex.*

And, nothing can be more insolent or incongruous, than to challenge the Donations of the Publick, as a *Property* not to be reformed for the Convenience of the Publick.

No free State, no wise People, ever suffered such a Doctrine to pass unreproved. The *Agrarian Laws* of the ancient Republicks, in direct Contradiction to it, ordained the equal Distribution of Lands, and reformed the Grievance of *excessive Property*, by limiting and restraining the Possessions of their Subjects. — The Laws of *England* are not without the strongest Declarations of the same Wisdom in our Legislators; the *Reformers* of our *Church*, to their Honour be it ever remember'd, were the Men who avowed this Power

‘ Power of retrenching enormous Property to be the  
Prerogative of Parliament.’

After quoting part of the Acts of Henry the 8th, for taking away Peter-Pence, and suppressing of Monasteries, the Author proceeds.

‘ Who ever reads these Acts, will find, 1. That the Regulation of Ecclesiastical Property is so far from contradicting, that nothing can be more natural to the Genius of this free Kingdom. 2. That such Regulation of Property in the Church, is the only Means by which any People can obtain a Reformation of Religion. 3. That the Parliament of this Kingdom, in divesting the Church of those *Inappropriations of Tithes*, did not allow Churchmen to have any *Property in Tithes*. And (4.) that if the Legislature now in being, proceeding in the same Course as our *first Reformers*, should think it expedient to abolish all *Tithes* remaining in the Church, or to convert it into Lay-fees, they could not want a full and proper Warrant from the Acts of their Predecessors, so long as the Acts for Non-payment of Peter-Pence, and for suppressing of Monasteries, shall remain in the Statute-books. ——————

‘ The Allegation of the Clergy’s *Birth-right in the Law*, as applicable to the Affair of Tithes, would make a Stranger imagine, that either they were born with the *indelible Character* upon them, or that every Priest had Institution and Induction of a Benefice, *even in his Mother’s Womb*.

‘ If the Tithes, if the Dues, if the Maintenance, which is now paid to the Clergy, were entirely taken away, they would lose no Birthright they have in the Law; they might lose the Benevolence which they receive from the Law, and which the Legislature have the same Right to resume,

resume, as ever they had to establish, if the same Reason which induced the Grant should require the Resumption ; if *publick Good* should call upon them to reverse what their Ancestors consented to from no other Consideration. —

This prodigious Usurpation upon the Property of Mankind, makes the Bill before us (f) the more absolutely necessary, and moves all Indigation against the Parson, who suggests, *That the Bill will encourage the Quaker in setting up Right upon the Plea of Conscience to another Man's Estate.*

I said to myself, Doth not the *Country-Parson* appeal to *every Man's Conscience*, when he demands Tithe of *divine Right*? When he claims it as a *Duty to God*? And must he not so far allow the *Quaker's Conscience* to decide ?

But, says the Parson, *I wish the Quaker's Conscience could be examined in this Point. Is he a Land-Owner? Let him be asked, upon his Conscience, whether he paid any Consideration to the Vender of the Land beyond the usual Price, and upon a Supposition that no Tithes would be due from his Land. Is he a Farmer? Let him be asked, whether he pays more Rent than a Churchman used to give for the Farm, and in Consideration of his paying no Tithe. If he cannot say that he either bought or hired the Tithe (and he can say neither) what Title hath he to it?*

I must here observe, that the *Country-Parson* lays down a *Law of Property* by this Examination of the *Quaker's Conscience*; — A Proposition, That if any Burthen upon Land shall continue till it lessen the Value of our Lands, it then becomes a Property

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(f) A Bill then depending in Parliament relating to Tithes.

- a Property in the Usurpers, and the Landed-Men
- shall never be discharged, because all subsequent
- Purchases are made with the Consideration of such
- an Incumbrance upon the Land.
- There are Three remarkable Cases in our
- History, which will fall under this Proposition.
- 1. The ancient *Rome-scot* or *Peter-Pence*, was
- a Penny charged upon every House by *Ina*, King
- of the *West-Saxons*, being at *Rome* in Pilgrimage,
- *Anno 720*, and by *Offa*, King of the *Mercians*,
- *Anno 794*, to sustain the *English* School there :
- It amounted to 300 Marks and a Noble yearly
- for the whole Realm, and was paid to the See of
- *Rome* on the Feast of St. *Peter ad Vincula*, being
- the first Day of *August*, till it was abolished by
- Parliament, 25 *Hen. 8*, *Anno 1534*.
- 2. The ancient *Dane-gelt* was a Tribute of one
- Shilling, and afterwards of two Shillings, upon
- every Hide of Land ; originally levied for clear-
- ing the Seas of *Danish* Pyrates, or for purchasing
- Peace of them, as by *Ethelred*, who raised for
- this Purpose first 10,000*l.* next 16,000*l.* then
- 36,000*l.* and lastly 48,000*l.* *Edward the Con-*
- essor* released this Tax. It was levied again by
- the *Conqueror*, and by *W. Rufus* ; but it was
- again released by *Hen. 1.* and finally by King
- *Stephen*.
- 3. The ancient Subsidy given from Year
- to Year by Parliament, was usually, as in the
- 14th of *Edw. 3. Stat. cap. 18.* *The Prelates,*
- Earls, Barons, and all the Commons of the Realm,*
- grant to the King the ninth Lamb, the ninth Fleece,*
- the ninth Sheaf, and of Cities and Boroughs, the*
- very ninth Part of all their Goods and Chattels, to*
- be taken by two Year to come.*
- Numerous Instances of the like Subsidies may
- be seen in *Rastal's Abridgement*.

Now in all these Cases, viz. 1. In the Case of  
 Peter-Pence, which continued a Rent-Charge on  
 Houses for the Space of 800 Years. 2: In the  
 Case of Dane-gelt, which continued a Rent-  
 Charge upon Land for the Space of 300 Years.  
 And 3. In the Case of the ninth Part of the Pro-  
 duce of Land, and the ninth Part of the Subjects  
 Goods; which continued very long the usual Sub-  
 sidy to the Crown; the Value of the Lands  
 of England became impaired by reason of the  
 Charge, and every Purchaser paid a less Price  
 whilst such Incumbrance continued upon them.

But would our Ancestors have suffered either  
 the Pope or the Crown to examine the Con-  
 sciences of the People of England, in the absurd  
 Manner of this Country, Parson? Would it have  
 been endured either to set up a Right in Conscience  
 to the Perpetuity of Peter-Pence, or Dane-gelt,  
 because every modern Purchaser had bought his  
 House or Land the cheaper, by reason of such  
 Burthen upon them?

Doubtless the same Questions might have been  
 asked in the Case of Peter-Pence and of Dane-gelt,  
 as in the Case of Tithe, and the same Answers  
 must have been returned.

But the Parson asks further, If you bought your  
 Lands and Tenements with these Incumbrances upon  
 them, what Right have you ever to be freed from  
 them?

I answer, that I have the Right of a free Subject,  
 to enjoy the Produce of his own Labour; the  
 Right of an Englishman, to enjoy his own Possession  
 free and clear of all unreasonable Incumbrances;  
 and my Title to the incumbered Part of my  
 Estate is so far good as any other Man's Title to  
 it is bad. If I buy an Estate with a Rent-  
 Charge, an Annuity, or a Mortgage upon it, and  
 these Incumbrances shall be considered in the  
 Purchase

• Purchase ; yet if afterwards it appears that the Persons claiming this *Rent-Charge*, this *Annuity*, or this *Mortgage*, never had any just Right therein ; am I bound to make their *bad Title* *goad* in Law or Conscience, because I bought the Estate cheaper, on Supposition that they had lawful Incumbrances upon it ?

• In the Possession of Land I am in the Condition of the *prime Occupant*. I am not bound to shew my Title to any Man ; I am not bound to shew that I bought it, or inherit it. It is sufficient that I possess it, unless he can shew a prior or better Right to it. And whether I bought my *Freehold* cheaper or dearer, I am by Law and Conscience intitled to hold it as free and clear, as if I had held it from the Creation of the World.

• If when the ancient Subsidy of a *ninth Part* had gained Establishment by Course of Time, the Purchase of Lands became cheaper by reason of this Exaction, would not the Crown have had an Estate of Perpetuity in the *ninth Lamb*, the *ninth Fleece*, the *ninth Sheaf*, and the *ninth Part* of the Goods of all the Subjects, by the same Rule of Conscience as the Clergy claim an Estate in the *TENTH* ? Because the Continuance of the Usurpation had lower'd the Rents of all the Lands.

• This Doctrine of gaining an Estate in Perpetuity thro' any Imposition upon Land, which by Length of Time makes the *Value of it less* in subsequent Alienations, and by pretended Equity, the *Interest in it less* to all new Purchasers, is of dangerous Consequence to the whole LANDED INTEREST of this Kingdom. It establishes a Right *some where* in a PERPETUAL LAND TAX ; because within forty or fifty Years Time, since the Land hath borne this Charge, the Value of Land hath diminished in proportion ; and Two-thirds

thirds of the Lands of *England*, having within that Time by Purchase or Exchange passed into the Hands of new Owners, (as may possibly be the case of all our Lands before this Tax can be released) therefore the *Land-Owner*, who bought his Land subject to the usual Land-Tax, shall in Equity and Conscience be for ever liable to pay *two, three, or four Shillings in the Pound*, by reason of his having bought the Land *cheaper*.

And the *Country-Parson* shall ask him those subtle Questions, *Is he a Land-Owner?* *Let him be asked upon his Conscience, whether he paid any Consideration to the Vender of the Land beyond the usual Price, and upon Supposition that no Land-Tax would be due from his Land. Is he a Farmer?* *Let him be asked upon his Conscience, whether he pays more Rent than used to be given for the Farm, and in Consideration of his paying no Land-Tax. If he cannot say, that he either bought or hired the Land-Tax (and he can say neither) what Title hath he to it? and therefore there must be another Owner who hath a just Title to it.*

From *Rules of Property and Rights of Estate*, such as this *Country-Parson* would establish, it must follow, that no Usurpation on the Lands of a Kingdom could ever be refuted consistently with Conscience; that the Foundations of Ecclesiasticks in the *Church of Rome* itself ought not to be taken away, because the Priests have the legal Estate vested in them; that the Impositions of arbitrary Power become Matter of Right in Persons who can work the ancient *Land Owners* out of their Inheritances; and that if *SHIP-MONEY* had been exacted for a Length of Time, till the Value of all our Lands had sunk under the Exactions, *New Purchasers* would have had no Right to have been eased of the Burden, be- f cause

cause they would have bought the Land charged with it, and cheaper by reason of it.  
In short, such Consequences are unavoidable from this Part of the *Country-Parson's Plea*, that were he to shew himself in his proper Figure, speaking in this Manner against the Right of the People of *England* to enjoy their own Lands, an *Impeaching Parliament* might probably charge him as an *Enemy to Property*; a *Betrayer of the Rights and Liberties of the People*; advancing *false Doctrines of dangerous Consequence to the Constitution of the Kingdom*, and which tend to subvert the Protestant Religion, to obstruct all Reformation in the Christian Church, to revive Popery and Popish Foundations, and to subject the Commons of this Realm to the Yoke of enormous Ecclesiastical Power.

Leaving him to the Discipline of such National Justice whenever it shall find him—I totally deny him, or any Person living, to possess any Estate in the Land, by reason of its having been lower'd in Value, through an unjust Imposition; I conceive his *Claim of Tithe* to have no other Foundation in Law or Conscience than *Peter-Pence* had before it was abolish'd by Act of Parliament; I conceive them both to have been Usurpations of the same Nature, which grew and obtain'd in the Times of Darkness and Devotion through the Craft of a *mercenary Clergy*, and the Superstition of a blind *deluded Laity*: I likewise apprehend, that as the Wisdom of Parliament utterly abolish'd *the one*, because it impoverished the Kingdom, so the Representatives of the People have not only a Right, but are bound in Duty to moderate *the other*, whenever it shall be exorbitant in its Amount, or oppressive in its Exactions. But,

Because

Because the Estate of the Clergy in Tithe, is so much insisted on as their Right in Conscience, it may be fit to enquire on what Consideration they had their original Grants. The Confirmation of King STEPHEN is an Evidence of this Kind, the Preamble to which is as follows, viz.

BECAUSE through the Providence of divine Mercy we know it to be so ordered, and by the Churches publishing it far and near, every Body hath heard, that by the Distribution of Alms, Persons may be absolved from the Bonds of Sin, and acquire the Rewards of Heavenly Joys; I STEPHEN, by the Grace of God, King of England, being willing to have a Part with them, who by an happy Kind of Trading, exchange Heavenly Things for Earthly; and smitten with the Love of God, and for the Salvation of my own Soul, and the Souls of my Father and Mother, and all my Forefathers and Ancestors (confirm Tithes and other Dohations to the Church).

After such a Specimen as this, I cannot have the least Doubt, that Estates given under such Considerations, are of ALL OTHERS, the most proper for the Disposition of Parliament. —

Towards the Conclusion of the Dissertation, the Author replies to what his Antagonist had urged against with-holding Tithes; from two Statutes of Hen. 8. wherein they who do so are stiled *Evil-disposed Persons*. Not regarding their Duties to God and the King; acting of an ungodly perverse Will and Mind, &c.

If it be urged as the Sense of those Times concerning Non-payment of Tithe, will the Parson allow me to cite other Statutes made about the same Time, as the Sense of the Law-makers upon other Ecclesiastical Pretensions.

I fear,

• I fear, the Sense of Parliament hath very little  
• Weight with the Clergy, when it is not on the  
• Side of their Ambition; and therefore I may not  
• perhaps hold it conclusive, when, influenced by  
• their ungodly Management, it lets them loose to  
• defame and damn their Enemies, as *Enemies to*  
• *God and the King.*

• The Statute of the first Year of Edward 6.  
• cap. 2. declares, *That Elections of Archbishops and*  
• *Bishops, by Deans and Chapters, are as well to the*  
• *long Delay, as to the great Costs and Charges of*  
• *such Persons whom the King gives any Archbishops-*  
• *rick or Bishoprick unto, and that the said Elections*  
• *be in very deed no Elections, but only by a Writ of*  
• *Conge D'elire, have Colours, Shadows, or Pre-*  
• *tences of Elections, serving nevertheless to no Pur-*  
• *pose, and seeming also derogatory to the King's*  
• *Prerogative Royal.*

• This Act of Parliament, though not held as  
• present to be in force, doth certainly shew the  
• Sense of our Ancestors on the Subject of electing  
• Bishops.

• Will the Clergy allow us to speak of their pre-  
• tended Elections of Bishops in the Terms of this  
• Act of Parliament? No——it is against divine  
• Right. If then they will not allow the *Institution*  
• *of Bishops to be tied down to the Preface of a Law*  
• *made in Edward the Sixth's Time, will they tie*  
• *every Man down in the Equity of Tithes to the*  
• *Preface of a Law made in Henry the Eighth's*  
• *Time?*

• I trust in the Right of an English Subject, that  
• we shall not be restrained from a larger Considera-  
• tion of so important an Affair, and that neither our  
• Duty to God or the King shall be questioned for  
• no better Reason than our Difference of Senti-  
• ments in the Affair of Tithes.

• I reverence